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THE COMMONWEALTH OF MASSACHUSETTS

GREAT AND GENERAL COURT

FINAL REPORT OF THE

JOINT COMMITTEE ON PUBLIC SERVICE

1985 SESSION

GOVERNMENT DOCUMENTS
COLLECTION

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**SENATOR ROYAL L. BOLLING, SR.
SENATE CHAIRMAN**

**REPRESENTATIVE KEVIN P. BLANCHETTE
HOUSE CHAIRMAN**

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MEMBERSHIP OF THE COMMITTEE ON PUBLIC SERVICE

SENATE MEMBERS

SENATOR ROYAL L. BOLLING, SR. , CHAIRMAN

SENATOR CAROL C. AMICK

SENATOR WILLIAM Q. MACLEAN, JR.

SENATOR WILLIAM GOLDEN

SENATOR EDWARD P. KIRBY

SENATOR PETER C. WEBBER

HOUSE MEMBERS

REPRESENTATIVE KEVIN P. BLANCHETTE, CHAIRMAN

REPRESENTATIVE ELEANOR MYERSON, VICE CHAIRPERSON

REPRESENTATIVE ANGELO CATALDO

REPRESENTATIVE THOMAS M. GALLAGHER

REPRESENTATIVE ROGER R. GOYETTE

REPRESENTATIVE WILLIAM J. GLODIS, JR.

REPRESENTATIVE FRANK A. EMILIO

REPRESENTATIVE HENRI S. RAUSCHENBACH

REPRESENTATIVE PETER FORMAN



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OVERVIEW OF THE 1985 LEGISLATIVE SESSION

The 1985 legislative session was a year of major policy deliberation as well as substantive accomplishment for the Committee on Public Service, and left the Committee with a clear agenda for 1986.

Civil service reform received the Committee's attention early in the year, resulting in Chapter 527 of the Acts of 1985. Chapter 527 will discourage the use of provisional appointments, by extending eligible lists until new lists are promulgated. Chapter 527 will also give the personnel administrator greater flexibility in determining the normal life span of appointment lists, to reflect the availability of applicants and job qualifications for each position. Finally, Chapter 527 will make entrance requirements a more valid indicator of job qualifications, by giving appointing authorities a greater role in evaluating individual applicants, subject to post audit by the centralized Department of Personnel Administration. Still pending for the 1986 session is a mechanism for granting tenure to qualified, long-term provisionals through passage of a promotional exam, and subsequent appointment.

In the area of compensation and classification, Chapter 766 clarified the often byzantine process of classification appeals. Under Chapter 766 such appeals, which can drag on for years for individual employees, will--when ultimately successful--be retroactive to the initial date of appeal to the personnel administrator. The Committee's agenda for 1986 includes streamlining the appeals process as a whole. Also before the Committee in 1986 will be a consideration of the compensation mechanisms used for a broad array of public officials, including district attorneys, court clerks, and state managers.

The Committee in 1985 recommended a comprehensive overhaul of the Commonwealth's 106 public employee retirement systems, including sweeping changes in funding and disability retirements. Among the Committee's recommendations were a forty-year funding schedule to amortize the Commonwealth's \$6.6 billion pension debt, and a series of grants and loans to assist local retirement systems which adopt a funding plan. Also recommended was a strengthening of the oversight controls on disability retirements, and an enhancement of the incentives and opportunities for employee rehabilitation.

Although full legislative debate on a pension reform package has been delayed until 1986, the Committee did approve a major retirement-related enactment in 1985, Chapter 648, raising the minimum employer-paid group life and group accidental death and dismemberment insurance from \$2,000 to \$5,000 for state employees and retirees. Also receiving initial approval in the Committee on Public Service were Chapter 156, authorizing the use of revenue overlays to defray future pension costs in cities and towns, and Chapter 741, clarifying pension cost recovery from educational collaboratives and from municipal employees receiving federal grant monies.

The Committee took some initial steps to address the lingering issue of age discrimination in public employment. Chapter 239 expands the scope of the state's age discrimination act of 1984, to include executives and policy-makers with vested retirement benefits up to \$44,000. A larger initiative, essentially eliminating all public sector mandatory retirement (except in public safety positions), will be considered in the 1986 session.

In the area of collective bargaining, the Committee in 1985 gave initial approval to a closure mechanism to be invoked in irreconcilable municipal police and fire contract disputes. The recommended bill would have provided for an arbitrated determination, binding on the public safety union and the municipal employer, but subject to funding approval by the local legislative body. Consideration of this proposal in the 1986 session is expected to be a major, and perhaps controversial, issue on the Committee's legislative agenda.

State Senator Royal L. Bolling, Sr. of Boston completed his third year as Senate Chairman of the Public Service Committee, joined for the first time by House Chairman Kevin P. Blanchette of Lawrence. Joining Research Director Peter Ebb on the Committee staff in 1985 were Staff Director Mark Andrews, Senior Researcher Richard Arms, Researchers Jerry Condon and Donna Bean, and Martha Morkan, staff researcher for the Special Commission on Civil Service. The Committee staff can be reached at 722-2240, in Room 40 of the State House.

Legislative Highlights of the Committee on Public Service

Chapter 527 (H.6300) is a major reform in the Commonwealth's civil service laws. Chapter 527 will greatly reduce the number of provisional appointments by extending the life of permanent appointment lists until new lists are established. Chapter 527 will also give the Department of Personnel Administration (DPA) greater flexibility in determining the normal life span of appointment lists, to reflect the availability of applicants and the qualifications for each position. Finally, Chapter 527 will give individual appointing authorities greater involvement and responsibility in evaluating training and experience qualifications, which previously were given only cursory examinations by the centralized DPA.

Chapter 741 (H.6015) creates a mechanism for recovering pension costs from federal grant monies paid to municipal employees, as mandated by Chapter 661 of 1983. Chapter 741 also clarifies the pension cost recovery to be paid by educational collaboratives whose employees have joined the state retirement system.

Chapter 766 (H.6323) establishes the effective date of job reallocations as the date of initial appeal to the Department of Personnel Administration. Chapter 766 also permits the payment of back pay for prior fiscal years when retroactive reallocations are made.

Chapter 156 (H.5604) permits the use of revenue overlays to defray future pension liabilities in cities and towns. Chapter 156 will thereby permit local official to use short-term revenue surpluses to offset serious long-term fiscal obligations.

Chapter 402 (H.6411) gives civil service appointment preference to the sons and daughters of disabled public officers and fire fighters. While clarifying earlier preferences, Chapter 402 will give recognition to the children of police and fire personnel permanently and totally disabled in the line of duty.

Chapter 648 (H.6861) raises the minimum employer-provided group life and group accidental death and dismemberment insurance from \$2,000 to \$5,000 for state employees and retirees. This benefit improvement is the first such increase since 1961, and represents a major advance for public sector workers.

CHAPTER 140 OF THE ACTS OF 1985

THE FISCAL YEAR

1986 BUDGET

0612-1000	For the Commonwealth's share of retirement benefits payable to retired members (and beneficiaries) of the State Employees' Retirement System.	\$188,000,000
0612-1100	For a 4% cost of living increase for retired state, municipal, county and district employees (NB: for the first time, in FY 1986 the COLA will be applied to an \$8000--rather than \$7000--base).	\$66,123,000
0612-1500	For a reserve to meet the full cost of the State Employees' and Teachers' Retirement Systems (6.7% of alcohol excise tax).	\$13,961,200
0612-1505	For a reserve to reduce the unfunded pension liability of public employee retirement systems participating in the Pension Reserve Investment Trust Fund.	\$21,500,000
0612-1510	For a reserve to reduce the unfunded pension liability of the State Employees' and State Teachers' Retirement systems.	\$100,000,000
1111-1002	For reimbursement of certain cities and towns for pensions to retired teachers (primarily Boston).	\$21,527,226
1111-1003	For the Commonwealth's share of retirement benefits payable to retired members (and beneficiaries) of the State Teachers' Retirement System.	\$181,310,780

OUTSIDE SECTION 75 transferred \$64,250,000 to the State Teachers' Reserve Fund, and an additional \$64,250,000 to the State Employees' Reserve Fund. Both transfers were made out of FY'85 surplus funds, and were earmarked exclusively for meeting the future costs of pension benefits of the members of the respective systems.

CIVIL SERVICE

- CHAPTER 27 AN ACT EXEMPTING THE POSITION OF JUNIOR ENGINEERING AIDE
IN THE TOWN OF TEWKSBURY FROM THE PROVISIONS OF CIVIL
SERVICE LAW. (H.4695)
- CHAPTER 66 AN ACT PROVIDING FOR THE APPOINTMENT OF JOHN J. HANNA AS A
MOTOR VEHICLE EXAMINER. (H.5925)
- CHAPTER 87 AN ACT EXEMPTING ALL POSITIONS IN THE OFFICE OF THE BOARD
OF ASSESSORS IN THE TOWN OF RANDOLPH FROM THE CIVIL
SERVICE LAWS. (H.5895)
- CHAPTER 116 AN ACT EXEMPTING THE POSITION OF TREASURER-COLLECTOR IN
THE CITY OF NEWBURYPORT FROM THE PROVISIONS OF THE CIVIL
SERVICE LAW. (H.5893)
- CHAPTER 117 AN ACT PROVIDING THAT THE POSITION OF MEDICAL WORKER AT
THE MUNICIPAL HOSPITAL IN THE CITY OF SPRINGFIELD SHALL BE
EXEMPT FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.
(H.5658)
- CHAPTER 158 AN ACT PROVIDING FOR CIVIL SERVICE STATUS FOR MARYELLEN
BARRY AS POLICEWOMAN STENOGRAPHER IN THE POLICE DEPARTMENT
OF THE TOWN OF TEWKSBURY. (H.5771)
- CHAPTER 161 AN ACT PROVIDING THAT THE POSITIONS OF HEALTH AGENT AND
PRINCIPAL CLERK IN THE BOARD OF HEALTH IN THE TOWN OF
MILTON BE EXEMPT FROM THE CIVIL SERVICE LAW. (H.5874)
- CHAPTER 174 AN ACT AUTHORIZING KEVIN GILE TO TAKE A CIVIL SERVICE
EXAMINATION FOR MOTOR VEHICLE EXAMINER NOTWITHSTANDING THE
MAXIMUM AGE REQUIREMENTS. (S.2199)
- CHAPTER 192 AN ACT AUTHORIZING EARL F. ENOS TO TAKE A CIVIL SERVICE
EXAMINATION FOR THE POSITION OF POLICE OFFICER IN THE TOWN
OF WILMINGTON NOTWITHSTANDING THE MAXIMUM AGE
REQUIREMENTS. (H.5772)
- CHAPTER 203 AN ACT AUTHORIZING TERRY L. MCKENNA TO TAKE A CIVIL
SERVICE EXAMINATION FOR FIREFIGHTER IN THE TOWN OF
WILMINGTON. (H.6226)
- CHAPTER 207 AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE OF THE
TOWN OF AVON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.
(S.2353)
- CHAPTER 225 AN ACT EXEMPTING ALL AIDE AND CLERICAL POSITIONS IN THE
TAUNTON SCHOOL DISTRICT IN THE CITY OF TAUNTON FROM THE
PROVISIONS OF THE CIVIL SERVICE LAW. (H.1787)
- CHAPTER 226 AN ACT EXEMPTING THE POSITION OF SUPERVISOR OF VEHICULAR
MAINTENANCE IN THE CITY OF TAUNTON FROM THE PROVISIONS OF
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CHAPTER 227 AN ACT EXEMPTING THE POSITIONS OF MUNICIPAL HEALTH SAFETY
AGENT AND ZONING CODE ENFORCEMENT OFFICER IN THE CITY OF
TAUNTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.
(H.1789)

CHAPTER 242 AN ACT AUTHORIZING THE CERTIFICATION AND APPOINTMENT OF
RONALD ALLAN NICKERSON AS A FIREFIGHTER NOTWITHSTANDING
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CHAPTER 245 AN ACT AUTHORIZING THE APPOINTMENT OF MICHAEL A. MORABITO
AS A POLICE OFFICER IN THE CITY OF CHELSEA. (H.5930)

CHAPTER 246 AN ACT EXEMPTING THE POSITION OF TOWN ACCOUNTANT IN THE
TOWN OF COHASSET FROM THE PROVISIONS OF THE CIVIL SERVICE
LAW. (H.6389)

CHAPTER 248 AN ACT EXEMPTING THE POSITION OF LIGHT PLANT MANAGER IN
THE TOWN OF HULL FROM THE PROVISIONS OF THE CIVIL SERVICE
LAW. (H.6418)

CHAPTER 254 AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE IN THE
TOWN OF MAYNARD FROM THE PROVISIONS OF THE CIVIL SERVICE
LAW. (S.2375)

CHAPTER 255 AN ACT DIRECTING THE DIVISION OF PERSONNEL AND
STANDARDIZATION TO PERMIT ROBERT SWIFT OF THE CITY OF
SOMERVILLE TO TAKE THE NEXT FIREFIGHTER EXAMINATION
NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT. (H.6548)

CHAPTER 262 AN ACT EXEMPTING EMPLOYEES IN THE OFFICE OF THE BOARD OF
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CHAPTER 263 AN ACT RELATIVE TO THE APPOINTMENT OF THE CITY ENGINEER IN
THE CITY OF LOWELL. (S.2372)

CHAPTER 301 AN ACT EXEMPTING THE POSITION OF TAX COLLECTOR IN THE CITY
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LAW. (H.5873)

CHAPTER 302 AN ACT EXEMPTING THE POSITION OF TOWN HALL CUSTODIAN IN
THE TOWN OF DEDHAM FROM THE PROVISIONS OF THE CIVIL
SERVICE LAW. (H.6056)

CHAPTER 309 AN ACT EXEMPTING THE POSITION OF PLUMBING INSPECTOR IN THE
TOWN OF MATTAPOISETT FROM THE PROVISIONS OF THE CIVIL
SERVICE LAW. (S.2443)

CHAPTER 363 AN ACT EXEMPTING THE POSITION OF SCHOOL TRAFFIC SUPERVISOR
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RANDOLPH FROM THE CIVIL SERVICE LAW. (S.2427)

CHAPTER 371 AN ACT PROVIDING THAT THE OFFICE OF ASSISTANT MANAGER OF
THE MUNICIPAL LIGHTING COMMISSION OF THE CITY OF PEABODY
SHALL BE SUBJECT TO THE PROVISIONS OF THE CIVIL SERVICE
LAW. (H.6330)

CHAPTER 378 AN ACT EXEMPTING CERTAIN POSITIONS IN THE TOWN OF WINTHROP FROM THE PROVISIONS OF THE CIVIL SERVICE LAW. (H.6089)

CHAPTER 402 AN ACT RELATIVE TO THE ORDER OF CERTAIN PERSONS ON ELIGIBLE LISTS FOR APPOINTMENT AS FIREFIGHTER OR POLICE OFFICER. (H.6411)

CHAPTER 447 AN ACT AUTHORIZING MARYANNE MANFRA TO TAKE A CIVIL SERVICE EXAMINATION FOR POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS. (H.6570)

CHAPTER 459 AN ACT PLACING THE OFFICE OF CHIEF OF THE FIRE DEPARTMENT OF THE CITY OF TAUNTON UNDER CIVIL SERVICE LAW. (H.6486)

CHAPTER 467 AN ACT EXEMPTING CERTAIN POSITIONS IN VARIOUS DEPARTMENTS OF THE TOWN OF NORWOOD FROM THE PROVISIONS OF THE CIVIL SERVICE LAW. (H.6549)

CHAPTER 482 AN ACT AUTHORIZING JOHN DEFAZIO TO TAKE A CIVIL SERVICE EXAMINATION FOR FIREFIGHTER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS. (H.6451)

CHAPTER 485 AN ACT AUTHORIZING ROBERT O'NEILL TO TAKE A CIVIL SERVICE EXAMINATION FOR THE POSITION OF FIREFIGHTER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS. (H.6657)

CHAPTER 497 AN ACT AUTHORIZING FRANK ALBANO TO TAKE A CIVIL SERVICE EXAMINATION FOR FIREFIGHTER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS. (H.6519)

CHAPTER 503 AN ACT AUTHORIZING GERALD D. COLTON TO TAKE A CIVIL SERVICE EXAMINATION FOR FIREFIGHTER IN THE TOWN OF TEWKSBURY NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS. (H.6813)

CHAPTER 517 AN ACT PROVIDING THAT JOHN REARDON OF THE CITY OF BOSTON MAY TAKE THE NEXT COMPETITIVE ENTRANCE EXAMINATION FOR FIREFIGHTER. (H.5854)

CHAPTER 518 AN ACT AUTHORIZING NEAL R. HERRICK TO TAKE A CIVIL SERVICE EXAMINATION FOR FIREFIGHTER IN THE TOWN OF MANSFIELD NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS. (H.6891)

CHAPTER 527 AN ACT FURTHER REGULATING ENTRANCE REQUIREMENTS FOR CERTAIN CIVIL SERVICE EXAMINATIONS. (H.6823)

CHAPTER 545 AN ACT AUTHORIZING THE CERTIFICATION AND APPOINTMENT OF DENIS BOURQUE OF THE TOWN OF LYNNFIELD AS A POLICE OFFICER NOTWITHSTANDING HIS SEPARATION FROM SUCH POSITION FOR OVER FIVE YEARS. (H.6895)

CHAPTER 553 AN ACT AUTHORIZING STEPHEN M. MELLOR TO TAKE A CIVIL SERVICE EXAMINATION FOR POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS. (H.6652)

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- CHAPTER 556 AN ACT AUTHORIZING GEORGE FISK TO TAKE A CIVIL SERVICE EXAMINATION FOR POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT. (H.6893)
- CHAPTER 559 AN ACT AUTHORIZING JOHN C. DRINKWATER TO TAKE A CIVIL SERVICE EXAMINATION FOR THE POSITION OF FIREFIGHTER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS. (H.6796)
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- CHAPTER 667 AN ACT RELATIVE TO THE CLASSIFICATION OF THE POSITIONS OF CHATHAM HARBORMASTER AND CHATHAM SHELLFISH CONSTABLE IN THE BARNSTABLE COUNTY RETIREMENT SYSTEM. (H.6739)
- CHAPTER 766 AN ACT RELATIVE TO THE EFFECTIVE DATES OF REALLOCATIONS APPROVED BY THE PERSONNEL ADMINISTRATION OR THE CIVIL SERVICE COMMISSION. (H.6323)

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- CHAPTER 239 AN ACT RELATIVE TO MANDATORY RETIREMENT. (S.2313)
- CHAPTER 360 AN ACT FURTHER REGULATING THE RIGHTS OF CERTAIN FIREFIGHTERS AND POLICE OFFICERS WHO WERE LAID OFF IN THE YEARS 1981 AND 1982. (H.1899)
- CHAPTER 550 AN ACT PROVIDING FOR AUDITS OF CONTRIBUTORY RETIREMENT SYSTEMS BY PUBLIC ACCOUNTANTS. (H.1247)
- CHAPTER 679 AN ACT AUTHORIZING A PENSION TO DONALD J. LAPORTE. (H.6787)
- CHAPTER 701 AN ACT AUTHORIZING THE CITY OF BOSTON TO GRANT A PENSION TO MANUEL J. GREGORIO. (H.7011)
- CHAPTER 712 AN ACT RELATIVE TO THE PAYMENT OF ACCIDENTAL DEATH BENEFITS TO THE WIDOW OF JAMES J. COOK. (S.1319)
- CHAPTER 741 AN ACT FURTHER REGULATING THE RETIREMENT SYSTEMS OF THE COMMONWEALTH. (H.6015)
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- CHAPTER 751 AN ACT PROVIDING THAT CERTAIN PUBLIC EMPLOYEES MAY CONTINUE TO WORK BEYOND THE MANDATORY RETIREMENT AGE. (S.2438)
- CHAPTER 781 AN ACT RELATIVE TO PENSIONS TO SURVIVING SPOUSES OF FIREFIGHTERS OR POLICE OFFICERS KILLED IN THE PERFORMANCE OF DUTY. (H.5765)

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- CHAPTER 81 AN ACT RELATIVE TO CERTAIN CREDITABLE SERVICE FOR EDWARD R. VOKE, A PATROLMAN OF THE CAPITOL POLICE. (S.1899)
- CHAPTER 103 AN ACT AUTHORIZING THE COMMISSIONER OF PUBLIC SAFETY TO MAKE CERTAIN APPOINTMENTS TO THE FIRST TRAINING CLASS OF THE MASSACHUSETTS STATE POLICE IN THE CURRENT YEAR. (H.5897)
- CHAPTER 555 AN ACT PROVIDING THAT EMPLOYEES OF THE DEPARTMENT OF SOCIAL SERVICES WHO SUFFER ASSAULT AND BATTERY IN THE PERFORMANCE OF THEIR DUTIES SHALL BE PROTECTED. (H.6887)
- CHAPTER 560 AN ACT RELATIVE TO APPLICATION FOR PUBLIC EMPLOYMENT. (H.6435)
- CHAPTER 581 AN ACT RELATIVE TO CERTAIN MILEAGE FEES. (S.2179)
- CHAPTER 648 AN ACT FURTHER REGULATING GROUP INSURANCE BENEFITS FOR STATE EMPLOYEES AND RETIRED STATE EMPLOYEES. (H.6861)
- CHAPTER 721 AN ACT RELATIVE TO EQUAL EMPLOYMENT OPPORTUNITIES IN THE DEPARTMENT OF CORRECTION. (H.1246)
- CHAPTER 749 AN ACT AUTHORIZING THE CONTINUING OF EMPLOYMENT OF SIDNEY A. CHERNICK, A COURT OFFICER IN HAMPDEN COUNTY, AND PHILIP GIBSON, A COURT OFFICER IN MIDDLESEX COUNTY. (H.6867)
- CHAPTER 768 AN ACT RELATIVE TO THE REGISTRY OF MOTOR VEHICLES. (H.6841)

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- CHAPTER 42 AN ACT PROVIDING THAT LIEUTENANT EDWARD F. CONNOLLY MAY
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- CHAPTER 310 AN ACT AUTHORIZING THE REIMBURSEMENT FOR LOSS OF PAY FOR
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- CHAPTER 535 AN ACT AUTHORIZING THE CITY OF REVERE TO CONTINUE THE
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SEVENTY. (S.2496)
- CHAPTER 611 AN ACT PROVIDING THAT CAPTAIN THOMAS NASTASIA MAY CONTINUE
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- CHAPTER 698 AN ACT PROHIBITING INVESTMENT OF PUBLIC PENSION FUNDS OF
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BUSINESS IN OR WITH THE REPUBLIC OF SOUTH AFRICA.
(H.6940)

COLLECTIVE BARGAINING

- CHAPTER 523 AN ACT INCREASING THE AMOUNT A SCHOOL COMMITTEE MAY EXPEND
FOR CERTAIN COLLECTIVE BARGAINING LEGAL SERVICES.
(H.6177)
- CHAPTER 726 AN ACT FURTHER REGULATING COLLECTIVE BARGAINING IMPASSES
INVOLVING MEMBERS OF THE BARGAINING UNIT OF THE UNIFORMED
BRANCH OF THE STATE POLICE, OR THE UNIT REPRESENTING
METROPOLITAN DISTRICT COMMISSION POLICE OFFICERS
SUBORDINATE TO THE RANK OF CAPTAIN. (H.6398)

COMPENDIUM OF BILLS ENACTED

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING THE POSITION OF JUNIOR ENGINEERING AIDE IN THE TOWN OF TEWKSBURY FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The position of junior engineering aide in the town of Tewksbury shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of junior engineering aide in said town on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, April 3, 1985.

Passed to be enacted,

George Liverian

, Speaker.

In Senate, April 4, 1985.

Passed to be enacted,

William W. Bulger

, President.

April 16, 1985.

Approved,

at Two o'clock and 10 minutes, P. M.

Richard H. Hahn Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT PROVIDING THAT LIEUTENANT EDWARD F. CONNOLLY MAY CONTINUE EMPLOYMENT WITH THE POLICE DEPARTMENT OF THE CITY OF BOSTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary and in order to promote the public good, the police commissioner of the city of Boston with the approval of the mayor shall provide tenure to Lieutenant Edward F. Connolly at his present civil service rank in said city. He shall hold said office during good behavior until he reaches age seventy, unless incapacitated by physical or mental disability from performing the duties thereof, but he may be removed therefrom for cause after a hearing in the manner provided by section forty-three of chapter thirty-one of the General Laws.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, April 24, 1985.

Passed to be enacted, *George Livanian*, Speaker.

In Senate, April 25, 1985.

Passed to be enacted, *William W. Bulger*, President.

May 1, 1985.

Approved,

at Two o'clock and 30 minutes, P. M.

Michael Dukakis
Governor.

Chapter 66

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT PROVIDING FOR THE APPOINTMENT OF JOHN J. HANNA AS A MOTOR VEHICLE EXAMINER.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of section thirty-five of chapter thirty-one of the General Laws, the personnel administrator of the division of personnel administration is hereby authorized to approve the transfer of John J. Hanna of the town of Natick from the position of permanent corrections officer in the department of corrections to the position of motor vehicles examiner in the registry of motor vehicles and the registrar of motor vehicles is hereby authorized to appoint said John J. Hanna to said position.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, May 15, 1985.

Passed to be enacted, *George Kucman*, Speaker.

In Senate, May 16, 1985.

Passed to be enacted, *William M. Bulger*, President.

May 28, 1985.

Approved,

at Two o'clock and 15 minutes, P. M.

Richard S. Coakley
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT RELATIVE TO CERTAIN CREDITABLE SERVICE FOR EDWARD R. VOKE, A PATROLMAN OF THE CAPITOL POLICE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, Edward R. Voke, a patrolman in the capitol police, is hereby authorized to continue in such position until and including June thirtieth, nineteen hundred and ninety, provided that he is mentally and physically capable of performing the duties of his office or position. Said Edward R. Voke shall annually, at his own expense, be examined by an impartial physician designated by the state retirement board to determine such capability. No further deductions shall be made from the regular compensation of said employee under the provisions of chapter thirty-two of the General Laws for service subsequent to June thirtieth, nineteen hundred and eighty-five, and upon retirement said employee shall receive a superannuation retirement allowance equal to that to which he would have been entitled had he retired on said date.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, June 6, 1985.

Passed to be enacted,

Robert Conner

Acting
Speaker.

In Senate, June 6, 1985.

Passed to be enacted,

Walter / Brown

Acting
President.

June 7, 1985.

Approved,

at Eleven o'clock and 40 minutes, A. M.

Governor.

Michael Dukakis

Chapter 87

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING ALL POSITIONS IN THE OFFICE OF THE BOARD OF ASSESSORS IN THE TOWN OF RANDOLPH FROM THE CIVIL SERVICE LAWS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. All positions in the office of the board of assessors in the town of Randolph shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person employed in any such position in said office on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, May 29, 1985.

Passed to be enacted,

George Keverian

, Speaker.

In Senate, May 30, 1985.

Passed to be enacted,

Walter J. Brennan

Acting
President.

June 11, 1985.

Approved,

at Two o'clock and 45 minutes, P. M.

Michael Dukakis
Governor.

Chapter 103

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING THE COMMISSIONER OF PUBLIC SAFETY TO MAKE CERTAIN APPOINTMENTS TO THE FIRST TRAINING CLASS OF THE MASSACHUSETTS STATE POLICE IN THE CURRENT YEAR.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding the provisions of section nine A of chapter twenty-two of the General Laws or any other general or special law or rule to the contrary, the commissioner of public safety is hereby authorized to select, for the purpose of training in preparation for appointment as a member of the Massachusetts state police force, a candidate who has successfully passed the oral board phase of the examination process and has become thirty years of age following the passing of said oral board phase; provided, however, that said applicant has successfully passed all other phases of the examination process and that such appointment is made within one hundred and twenty days of the applicant's thirtieth birthday. The provisions of this act shall apply only to appointments made to the first training class of the Massachusetts state police in the current year.

House of Representatives, June 10, 1985.

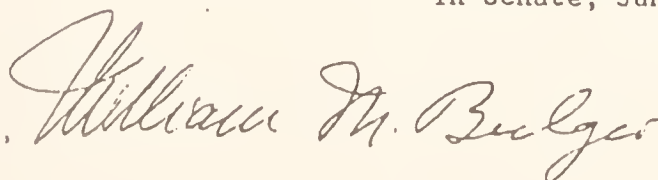
Passed to be enacted,



Acting
Speaker.

In Senate, June 13, 1985.

Passed to be enacted,



, President.

June 21, 1985.

Approved,



Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING THE POSITION OF TREASURER-COLLECTOR IN THE CITY OF NEWBURYPORT FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The position of treasurer-collector of the city of Newburyport shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of treasurer-collector in the city of Newburyport on the effective date of this act.

SECTION 3. The city of Newburyport is hereby authorized to enact a city ordinance providing for the appointment of the treasurer-collector for a three year term by the mayor subject to confirmation by the city council.

House of Representatives, June 19, 1985.

Passed to be enacted,

George Luennan

, Speaker.

In Senate, June 19, 1985.

Passed to be enacted,

William M. Bulger

, President.

June 27, 1985.

Approved,

Michael Dukakis

Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT PROVIDING THAT THE POSITION OF MEDICAL WORKER AT THE MUNICIPAL HOSPITAL IN THE CITY OF SPRINGFIELD SHALL BE EXEMPT FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The position of medical worker at the Municipal hospital of the city of Springfield shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of medical worker at the Municipal hospital in the city of Springfield on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, June 19, 1985.

Passed to be enacted, *George Luernian*, Speaker.

In Senate, June 19, 1985.

Passed to be enacted, *William M. Bulger*, President.

June 28, 1985.

Approved,

at Eleven o'clock and 55 minutes, A. M.

Michael Dukakis, Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT PROVIDING FOR UNFUNDED PENSIONS IN CERTAIN CITIES AND TOWNS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

The first sentence of section 25 of chapter 59 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding after the word "expenses", in line 11, the words:- the Pension Reserve Fund, established pursuant to section five D of chapter forty.

House of Representatives, July 10, 1985.

Passed to be enacted,

George Luinarian, Speaker.

In Senate, July 10, 1985.

Passed to be enacted,

William M. Bulger, President.

July 17, 1985.

Approved,

[Signature]
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT PROVIDING FOR CIVIL SERVICE STATUS FOR MARYELLEN BARRY AS
POLICEWOMAN STENOGRAPHER IN THE POLICE DEPARTMENT OF THE TOWN OF TEWKSBURY.

*Be it enacted by the Senate and House of Representatives in General Court
assembled, and by the authority of the same, as follows:*

SECTION 1. Notwithstanding the provisions of chapter thirty-one of the
General Laws or any other law or rule to the contrary, Maryellen Barry is
hereby granted civil service tenure in the position she held in the Tewksbury
police department on November fifteenth, nineteen hundred and eighty-four.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, July 15, 1985.

Passed to be enacted, *George Luinarian*, Speaker.

In Senate, July 16, 1985.

Passed to be enacted, *William M. Bulger*, President.

July 18, 1985.

Approved,

at Three o'clock and 50 minutes, P. M.

William M. Bulger Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT PROVIDING THAT THE POSITIONS OF HEALTH AGENT AND PRINCIPAL CLERK IN THE BOARD OF HEALTH IN THE TOWN OF MILTON SHALL BE EXEMPT FROM THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The positions of health agent and principal clerk in the board of health in the town of Milton shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any incumbent holding permanent civil service status in the position of health agent or principal clerk in the board of health in the town of Milton on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, July 10, 1985.

Passed to be enacted,

George Fennerman

, Speaker.

In Senate, July 10, 1985.

Passed to be enacted,

William M. Bulger

, President.

July 18, 1985.

Approved,

at Four o'clock and 05 minutes, P. M.

[Signature]

Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING KEVIN GILE TO TAKE A CIVIL SERVICE EXAMINATION FOR MOTOR VEHICLE EXAMINER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding the provisions of any general or special law or rule to the contrary regulating the maximum age of applicants for appointment as a motor vehicle examiner in the registry of motor vehicles, Kevin Gile of the town of Stoneham shall be eligible to take the next open competitive examination for motor vehicle examiner, and provided he meets all other requirements, shall be eligible for certification and appointment.

House of Representatives, July 10, 1985.

Passed to be enacted, *George Luernian*, Speaker.

In Senate, July 10, 1985.

Passed to be enacted, *William M. Bulger*, President.

July 18, 1985.

Approved,

[Signature] Governor.

Chapter 184

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING THE TOWN OF NORTH ATTLEBOROUGH TO PAY A CERTAIN ANNUITY TO MURIEL MILDRED ROBERTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 572 of the acts of 1973 is hereby amended by striking out, in line 5, the words "an annuity not to exceed seven hundred and twenty" and inserting in place thereof the words:- a total disability annuity not to exceed twelve hundred.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, July 10, 1985.

Passed to be enacted,

George Lucreian

, Speaker.

In Senate, July 10, 1985.

Passed to be enacted,

Hillman M. Bulger

, President.

July 19, 1985.

Approved,

at Eleven o'clock and 05 minutes, A. M.

Michael Dukakis

Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING EARL F. ENOS TO TAKE A CIVIL SERVICE EXAMINATION FOR THE POSITION OF POLICE OFFICER IN THE TOWN OF WILMINGTON NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize Earl F. Enos to take a civil service examination for the position of police officer in the town of Wilmington notwithstanding the maximum age requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding the provisions of any general or special law or rule to the contrary regulating the maximum age of an applicant for appointment as a police officer, Earl F. Enos shall be eligible to take the next open competitive examination for police officer in the town of Wilmington, and provided he meets all other requirements, he shall be eligible for certification and appointment.

House of Representatives, July 15, 1985.

Preamble adopted, *George Leranian*, Speaker.

In Senate, July 16, 1985.

Preamble adopted, *William M. Bulger*, President.

House of Representatives, July 17, 1985.

Bill passed to be enacted, *George Leranian*, Speaker.

In Senate, July 17, 1985.

Bill passed to be enacted, *William M. Bulger*, President.

July 24, 1985.

Approved,

at Twelve o'clock and 50 minutes, P. M.

Richard D. Healy
Governor.

Chapter 203

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING TERRY L. MCKENNA TO TAKE A CIVIL SERVICE EXAMINATION FOR FIREFIGHTER IN THE TOWN OF WILMINGTON.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize Terry L. McKenna to take a civil service examination for firefighter in the town of Wilmington, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety. _____

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding the provisions of any law or rule to the contrary regulating the maximum age of applicants for appointment as a firefighter, Terry L. McKenna shall be eligible to take the next open competitive entrance examination for firefighter in the town of Wilmington and, provided he meets all other requirements, shall be eligible for certification and appointment as a firefighter in said town.

Preamble adopted, _____, House of Representatives, July 17, 1985.
Acting Speaker.

Preamble adopted, _____, In Senate, July 18, 1985.
President.

Bill passed to be enacted, _____, House of Representatives, July 18, 1985.
Speaker.

Bill passed to be enacted, _____, In Senate, July 19, 1985.
President.

July 29, 1985.

Approved,
at One o'clock and 20 minutes, P. M.

Governor.

Chapter 207

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE OF THE TOWN OF AVON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The office of the chief of police in the town of Avon shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one of this act shall not impair the civil service or probationary status of the present incumbent acting chief of police of said department holding such status on the effective date of this act.

House of Representatives, July 19, 1985.

Passed to be enacted,

George Leverman

, Speaker.

In Senate, July 19, 1985.

Passed to be enacted,

William M. Bulger

, President.

July 29, 1985.

Approved

Michael Dukakis

Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING ALL AIDE AND CLERICAL POSITIONS IN THE TAUNTON SCHOOL DISTRICT IN THE CITY OF TAUNTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. All aide and clerical positions in the Taunton school district in the city of Taunton shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one of this act shall not impair the civil service status of any person employed in an aide or clerical position in the Taunton school district in the city of Taunton on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, July 25, 1985.

Passed to be enacted, *George Fierman*, Speaker.

In Senate, July 25, 1985.

Passed to be enacted, *William M. Bulger*, President.

August 1, 1985.

Approved,

at Two o'clock and 20 minutes, P. M.

William F. Cahill
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING THE POSITION OF SUPERVISOR OF VEHICULAR MAINTENANCE IN THE CITY OF TAUNTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The position of supervisor of vehicular maintenance in the city of Taunton shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person employed in the position of supervisor of vehicular maintenance in the city of Taunton on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, July 25, 1985.

Passed to be enacted, *George J. Amarian*, Speaker.

In Senate, July 25, 1985.

Passed to be enacted, *William M. Bulger*, President.

August 1, 1985.

Approved,

at Two o'clock and 25 minutes, P. M.

William F. Parker Governor.

Chapter 227

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING THE POSITIONS OF MUNICIPAL HEALTH SAFETY AGENT AND ZONING CODE ENFORCEMENT OFFICER IN THE CITY OF TAUNTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The positions of municipal health safety agent and zoning code enforcement officer in the city of Taunton shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person employed in the position of municipal health safety agent and zoning code enforcement officer in the city of Taunton on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, July 25, 1985.

Passed to be enacted,

George Luennan

, Speaker.

In Senate, July 25, 1985.

Passed to be enacted,

William M. Bulger

, President.

August 1, 1985.

Approved,

at Two o'clock and 30 minutes, P. M.

Michael Dukakis

Governor.

Chapter 239

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT RELATIVE TO MANDATORY RETIREMENT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Paragraph (b) of subsection 17 of section 4 of chapter 151B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 390, the word "twenty-seven" and inserting in place thereof the following word:- forty-four.

House of Representatives, August 12, 1985.

Passed to be enacted,

George Liveria

, Speaker.

In Senate, August 15, 1985.

Passed to be enacted,

William M. Bulger

, President.

August 26, 1985.

Approved,

Michael Dukakis
Governor.

Chapter 242

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING THE CERTIFICATION AND APPOINTMENT OF RONALD ALLAN NICKERSON AS A FIREFIGHTER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification and appointment of Ronald Allan Nickerson as a firefighter, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

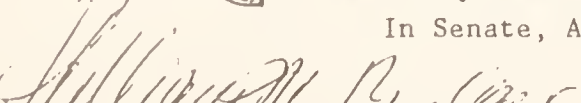
Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

The personnel administrator of the division of personnel administration shall examine and certify Ronald Allan Nickerson for appointment as a firefighter according to the grade he received in the examination for firefighter held in June nineteen hundred and eighty-three, notwithstanding the fact that he has attained the maximum age for said position; provided however, that he fulfills all other requirements for certification and appointment as a firefighter.

Preamble adopted, House of Representatives, August 15, 1985.
 Acting Speaker.

Preamble adopted, In Senate, August 15, 1985.
 , President.

Bill passed to be enacted, House of Representatives, August 15, 1985.
 Acting Speaker.

Bill passed to be enacted, In Senate, August 15, 1985.
 , President.

August 27, 1985.

Approved,

At Three o'clock and 30 minutes, P. M.

 Governor.

Chapter 245

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING THE APPOINTMENT OF MICHAEL A. MORABITO AS A POLICE OFFICER IN THE CITY OF CHELSEA.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding the provisions of chapter thirty-one of the General Laws or any rule or regulation to the contrary, the city of Chelsea is hereby authorized to appoint Michael A. Morabito as a police officer.

House of Representatives, August 19, 1985.

Passed to be enacted,

George Limerian, Speaker.

In Senate, August 22, 1985.

Passed to be enacted,

William M. Bulger, President.

August 30, 1985.

Approved,

Michael A. Morabito

Governor.

Chapter 246

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING THE POSITION OF TOWN ACCOUNTANT IN THE TOWN OF COHASSET FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The position of town accountant in the town of Cohasset shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any incumbent of the position of town accountant in the town of Cohasset on the effective date of this act.

House of Representatives, August 19, 1985.

Passed to be enacted,

George Lucreian

, Speaker.

In Senate, August 22, 1985.

Passed to be enacted,

William M. Bulger

, President.

August 30, 1985.

Approved,

William M. Bulger

Governor.

Chapter 248

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING THE POSITION OF LIGHT PLANT MANAGER IN THE TOWN OF HULL FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The position of light plant manager in the town of Hull shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any incumbent holding the position of light plant manager in the town of Hull on the effective date of this act.

House of Representatives, August 19, 1985.

Passed to be enacted,

George Liverman, Speaker.

In Senate, August 22, 1985.

Passed to be enacted,

William M. Buckley, President.

August 30, 1985.

Approved,

Richard D. Healey, Governor.

Chapter 254

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE IN THE TOWN OF MAYNARD FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The position of the chief of police in the town of Maynard shall not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of chief of police in the town of Maynard on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, August 26, 1985.

Passed to be enacted,

George Livanian

, Speaker.

In Senate, August 29, 1985.

Passed to be enacted,

Walter Brown

Acting
President.

September 11, 1985.

Approved,

at Nine o'clock and 35 minutes, A. M.

Richard S. Coakley
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT DIRECTING THE DIVISION OF PERSONNEL AND STANDARDIZATION TO PERMIT ROBERT SWIFT OF THE CITY OF SOMERVILLE TO TAKE THE NEXT FIREFIGHTER EXAMINATION NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary regulating the maximum age of applicants for appointment as a firefighter, Robert Swift of the city of Somerville shall be eligible to take the next open and competitive examination for firefighter and, provided he meets all other requirements, shall be eligible for certification and appointment as a firefighter.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, August 26 , 1985.

Passed to be enacted, *George Luennow* , Speaker.

In Senate, August 29 , 1985.

Passed to be enacted *Walter J. Brennan* Acting President.

September 11 , 1985.

Approved,
at Nine o'clock and 40 minutes, A . M.

Richard F. Healey Governor.

Chapter *262*

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING EMPLOYEES IN THE OFFICE OF THE BOARD OF ASSESSORS IN THE TOWN OF ARLINGTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. All employees in the office of the board of assessors in the town of Arlington shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding said positions on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, September *3*, 1985.

Passed to be enacted,

Robert Currier

Acting
Speaker.

In Senate, September *5*, 1985.

Passed to be enacted,

Walter J. Brennan

Acting
President.

September 17, 1985.

Approved,

at Three o'clock and 10 minutes, P. M.

Michael J. Dukakis

Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT RELATIVE TO THE APPOINTMENT OF THE CITY ENGINEER IN THE CITY OF LOWELL.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The position of city engineer in the city of Lowell shall be exempt from the provisions of sections eighty-one D to eighty-one T, inclusive, of chapter one hundred and twelve of the General Laws; provided, however, that said city engineer has previously attained a civil service rating of at least assistant civil engineer.

SECTION 2. The provisions of section one of this act shall become inoperative one year following the effective date of this act, and no incumbent city engineer appointed pursuant to the provisions of this act shall continue to serve in said position unless said incumbent shall have met the requirements for such service as set forth in sections eighty-one D to eighty-one T, inclusive, of chapter one hundred and twelve of the General Laws.

SECTION 3. This act shall take effect upon its acceptance by the city of Lowell.

House of Representatives, September 3, 1985.

Passed to be enacted,

Robert Conner

Acting
Speaker.

In Senate, September 5, 1985.

Passed to be enacted,

Walter F. Conner

Acting
President.

September 17, 1985.

Approved,

Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING THE POSITION OF TAX COLLECTOR IN THE CITY OF BROCKTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The position of tax collector in the city of Brockton shall not be subject to the provisions of chapter thirty-one of the General Laws, and shall be appointed by the mayor, subject to confirmation by the city council, for a term of three years.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding said position of tax collector in the city of Brockton on the effective date of this act.

House of Representatives, September 11, 1985.

Passed to be enacted,

George Luverian

, Speaker.

In Senate, September 11, 1985.

Passed to be enacted,

William M. Bulger

, President.

September 19, 1985.

Approved,

Michael Dukakis
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING THE POSITION OF TOWN HALL CUSTODIAN IN THE TOWN OF DEDHAM FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The position of town hall custodian in the town of Dedham shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of town hall custodian in the town of Dedham on the effective date of this act.

House of Representatives, September 11, 1985.

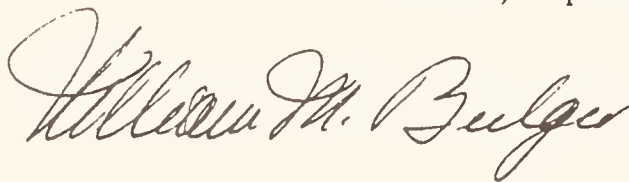
Passed to be enacted,



, Speaker.

In Senate, September 11, 1985.

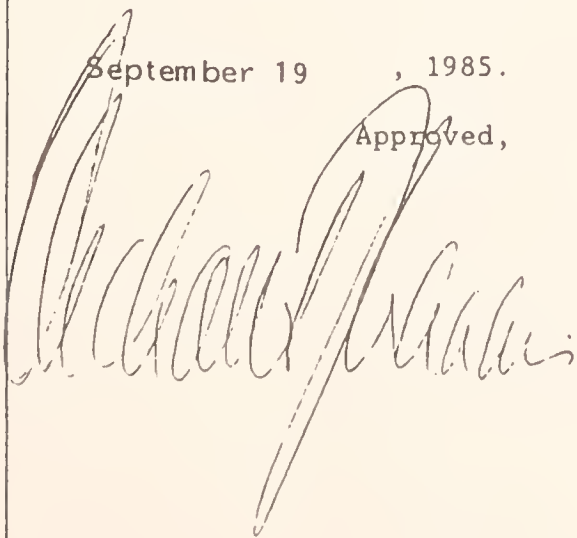
Passed to be enacted,



, President.

September 19, 1985.

Approved,



Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING THE POSITION OF PLUMBING INSPECTOR IN THE TOWN OF MATTAPOISETT FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

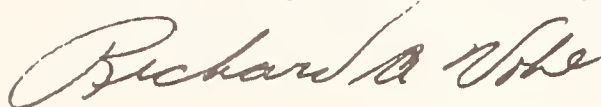
Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The position of plumbing inspector in the town of Mattapoisett shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of plumbing inspector in the town of Mattapoisett on the effective date of this act.

House of Representatives, September 16, 1985.

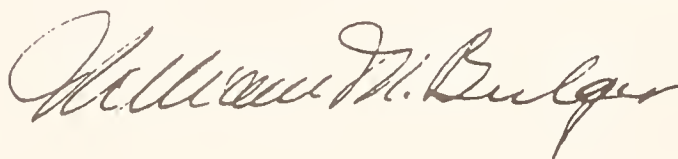
Passed to be enacted,



Acting
Speaker.

In Senate, September 17, 1985.

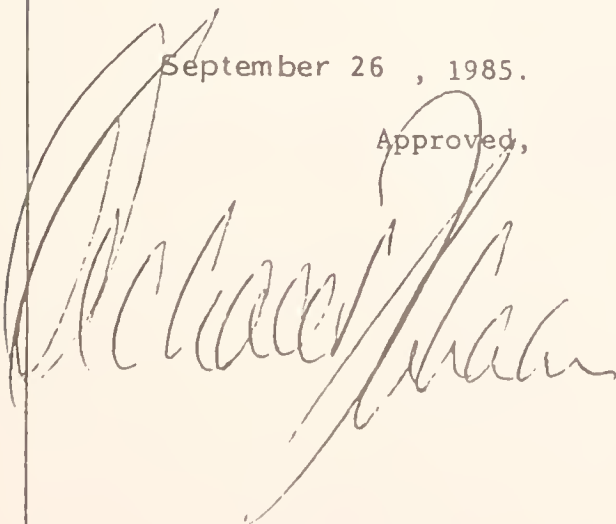
Passed to be enacted,



, President.

September 26, 1985.

Approved,



Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING THE REIMBURSEMENT FOR LOSS OF PAY FOR CERTAIN CALL FIREFIGHTERS IN THE TOWN OF DARTMOUTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding the provisions of section one hundred of chapter forty-one of the General Laws, the Dartmouth Fire Districts One, Two and Three are hereby authorized to indemnify their call firefighters to an amount not exceeding thirty thousand dollars per annum for loss of pay as a result of said accident or hazard in addition to indemnifying them against all of the charges and expenses listed in said section. The amount of indemnification for call firefighters of each district shall be determined by a vote of the district meeting.

House of Representatives, September 16, 1985.

Passed to be enacted,



Acting
, Speaker.

In Senate, September 17, 1985.

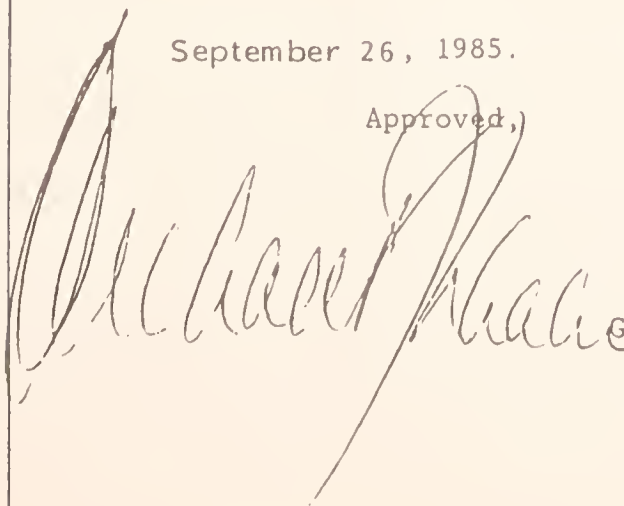
Passed to be enacted,



, President.

September 26, 1985.

Approved,



Governor.

Chapter 360

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT FURTHER REGULATING THE RIGHTS OF CERTAIN FIREFIGHTERS AND POLICE OFFICERS WHO WERE LAID OFF IN THE YEARS NINETEEN HUNDRED AND EIGHTY-ONE AND NINETEEN HUNDRED AND EIGHTY-TWO.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter three hundred and twenty-four of the acts of nineteen hundred and eighty-three is hereby repealed.

SECTION 2. In any city or town which accepts this act, any firefighter or police officer, whose employment was terminated in nineteen hundred and eighty-one or nineteen hundred and eighty-two due to a reduction in force and subsequently was reinstated to his former position on or before July first, nineteen hundred and eighty-three, shall be credited with active service for such period of unemployment. Such credited service shall be included as part of his length of service, and shall be applied to his seniority, promotional examinations and retirement; provided, however, that said firefighter or police officer shall be required to pay into the Annuity Savings Fund of the retirement system in one sum, or in installments upon conditions as the retirement board shall prescribe, an amount equal to the accumulated regular deductions otherwise payable by him had he remained an active member in service during said period of unemployment at the rate of compensation he was receiving at the time of the aforesaid termination of employment together with the regular interest thereon to his date of reinstatement; and provided, further, that said firefighter or police officer shall be required to pay into the Annuity Savings Fund of the retirement system in one sum, or in installments upon conditions as the retirement board shall prescribe, an amount equal to the accumulated regular deductions withdrawn by him, if any, with the regular interest to the date of his reinstatement.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, September 24, 1985.

Passed to be enacted,

George Luernian

, Speaker.

In Senate, September 26, 1985.

Passed to be enacted,

Walter J. Breen

Acting
President.

October 8, 1985.

Approved,

at Two o'clock and 00 minutes, P. M.

[Signature]

Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING THE POSITION OF SCHOOL TRAFFIC SUPERVISOR AND THE POSITION OF ASSISTANT TOWN ENGINEER IN THE TOWN OF RANDOLPH FROM THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The positions of school traffic supervisor and assistant town engineer in the town of Randolph shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of school traffic supervisor or the position of assistant town engineer in the town of Randolph on the effective date of this act.

House of Representatives, September 24, 1985.

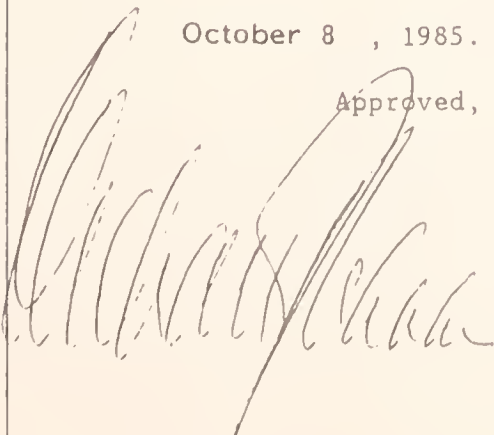
Passed to be enacted, *George Kucera*, Speaker.

In Senate, September 26, 1985.

Passed to be enacted, *Walter J. Baer*, Acting President.

October 8, 1985.

Approved,



Governor.

Chapter **371**

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT PROVIDING THAT THE OFFICE OF ASSISTANT MANAGER OF THE MUNICIPAL LIGHTING COMMISSION OF THE CITY OF PEABODY SHALL BE SUBJECT TO THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 2 of chapter 286 of the acts of 1951, as most recently amended by section 1 of chapter 431 of the acts of 1953, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- Said manager and assistant manager shall not be members of the commission and the manager shall not be subject to the provisions of chapter thirty-one of the General Laws and the rules made thereunder.

SECTION 2. Notwithstanding the provisions of any other general or special law to the contrary, Victor Unhao, the present incumbent of the office of assistant manager of the municipal lighting commission for the city of Peabody is hereby granted tenure subject to the provisions of chapter thirty-one of the General Laws.

House of Representatives, September **24**, 1985.

Passed to be enacted,

George Luernau

, Speaker.

In Senate, September **26**, 1985.

Passed to be enacted,

Walter Baer

Acting
, President.

October 8, 1985.

Approved,

[Signature]
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING CERTAIN POSITIONS IN THE TOWN OF WINTHROP FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The positions of town accountant, senior bookkeeper, data processing operator, all clerical employees and clerks, building inspector, plumbing inspector, gas inspector, water superintendent, assistant water superintendent, health department agent, health department nurse and school physician in the town of Winthrop shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding said positions on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, October 2, 1985.

Passed to be enacted,

George Lucreian

, Speaker.

In Senate, October 2, 1985.

Passed to be enacted,

William M. Bulger

, President.

October 15, 1985.

Approved,

at Two o'clock and 30 minutes, P. M.

Governor.

[Signature]

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT RELATIVE TO THE ORDER OF CERTAIN PERSONS ON ELIGIBLE LISTS FOR APPOINTMENT AS FIREFIGHTER OR POLICE OFFICER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate the appointment of firefighters and police officers on eligible lists, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public welfare.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 26 of chapter 31 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the seventh paragraph and inserting in place thereof the following three paragraphs:-

Notwithstanding any other provisions of this chapter or of any other law, a son or daughter of a firefighter or police officer who passes the required written and physical examination for entrance to the fire or police service shall have his or her name placed in the first position on the eligible list for appointment to such fire or police service if: (1) in the case of a firefighter, such firefighter while in the performance of his duties and as the result of an accident while responding to an alarm of fire or while at the scene of a fire was killed or sustained injuries which resulted in his death; or (2) in the case of a police officer, such police officer while in the performance of his duties and as a result of an assault on his person was killed or sustained injuries which resulted in his death.

Notwithstanding any other provision of this chapter or of any other law, the son or daughter of a firefighter or police officer who passes the required written and physical examination for entrance to the fire or police service shall have his or her name placed on the eligible list for appointment to such fire or police service immediately below the names of disabled veterans as provided for in the first paragraph, provided that said firefighter or police officer has been retired at a yearly amount of pension equal to the regular rate of compensation which he would have been paid had he continued in said

service at the grade held at the time of retirement, pursuant to a special act of the legislature in which said firefighter or police officer is determined to be permanently or totally disabled, provided further that (1) in the case of a firefighter, such firefighter while in the performance of his duties and as the result of an accident while responding to an alarm of fire or while at the scene of a fire sustained injuries which resulted in his being permanently and totally disabled; or (2) in the case of a police officer, such police officer while in the performance of his duties and as a result of an assault on his person sustained injuries which resulted in his being permanently and totally disabled. Should more than one applicant be eligible for appointment pursuant to the provisions of this paragraph, said applicants shall be ordered according to their respective standings.

For the purposes of determining the order of persons on eligible lists pursuant to this section, the presumptions created by sections ninety-four and ninety-four A of chapter thirty-two, shall not be applicable to the death or disablement of any firefighter or police officer whose son or daughter is eligible for appointment.

SECTION 2. The provisions of section twenty-six of chapter thirty-one of the General Laws, as amended by section one, shall apply to all appointments made from eligible lists promulgated by the administrator after the effective date of this act.

House of Representatives, October 2, 1985.

Preamble adopted, *George Kenerian*, Speaker.

In Senate, October 3, 1985.

Preamble adopted, *Walter J. Breen*, Acting President.

House of Representatives, October 3, 1985.

Bill passed to be enacted, *George Kenerian*, Speaker.

In Senate, October 7, 1985.

Bill passed to be enacted, *Walter J. Breen*, Acting President.

October 18, 1985.

Approved,

at Three o'clock and 55 minutes, P. M.

Richard J. Hughes
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING MARYANNE MANFRA TO TAKE A CIVIL SERVICE EXAMINATION FOR POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize Maryanne Manfra to take a civil service examination for police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding the provisions of any general or special law or rule to the contrary regulating the maximum age of an applicant for appointment as police officer, Maryanne Manfra shall be eligible to take the next open competitive examination for appointment to the position of police officer and, provided she meets all other requirements, shall be eligible for certification and appointment.

Preamble adopted, House of Representatives, October 24, 1985.
George Leneman, Speaker.

Preamble adopted, William M. Bulger, President.
In Senate, October 24, 1985.

Bill passed to be enacted, House of Representatives, October 28, 1985.
George Leneman, Speaker.

Bill passed to be enacted, William M. Bulger, President.
In Senate, October 28, 1985.

October 31, 1985.

Approved,

at One o'clock and 45 minutes, P. M.

Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT PLACING THE OFFICE OF CHIEF OF THE FIRE DEPARTMENT OF THE CITY OF TAUNTON UNDER CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Upon the occurrence of a vacancy in the office of chief of the fire department of the city of Taunton after the effective date of this act, such office shall become subject to chapter thirty-one of the General Laws.

House of Representatives, October 24, 1985.

Passed to be enacted, *George Liverian*, Speaker.

In Senate, October 24, 1985.

Passed to be enacted, *William M. Bulger*, President.

October 31, 1985.

Approved,

Michael Dukakis
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT EXEMPTING CERTAIN POSITIONS IN VARIOUS DEPARTMENTS OF THE TOWN OF NORWOOD FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The positions of assistant superintendent, electrical engineer, office manager and all clerical positions in the electric light department, including the billing division, the program director and all custodial positions in the recreation department, the civilian mechanic in the fire department, the assistant town engineer and all other engineering positions in the engineering department, and the assistant superintendents in the public works department in the town of Norwood shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding a position referred to in said section one on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, October 24, 1985.

Passed to be enacted, *George J. Lencian*, Speaker.

In Senate, October 24, 1985.

Passed to be enacted, *William M. Bulger*, President.

November 5, 1985.

Approved,

at Three o'clock and 05 minutes, P. M.

[Signature]
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING JOHN DEFAZIO TO TAKE A CIVIL SERVICE EXAMINATION FOR
FIRE FIGHTER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

*Be it enacted by the Senate and House of Representatives in General Court
assembled, and by the authority of the same, as follows:*

Notwithstanding the provisions of any general or special law or rule to
the contrary regulating the maximum age of an applicant for appointment as a
fire fighter, John DeFazio of the city of Beverly, shall be eligible to take
the next open competitive examination for the position of fire fighter and,
provided he meets all other requirements, shall be eligible for certification
and appointment.

House of Representatives, October 30, 1985.

Passed to be enacted, *George Luerman*, Speaker.

In Senate, October 30, 1985.

Passed to be enacted, *William W. Bulger*, President.

November 12, 1985.

Approved,

Robert Healy
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING ROBERT O'NEIL TO TAKE A CIVIL SERVICE EXAMINATION FOR THE POSITION OF FIREFIGHTER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding the provisions of any general or special law or rule to the contrary regulating the maximum age of an applicant for appointment as a firefighter, Robert O'Neil of the city of Cambridge shall be eligible to take the open competitive examination for the position of firefighter to be held on November twenty-third, nineteen hundred and eighty-five and, provided he meets all other requirements, shall be eligible for certification and appointment.

House of Representatives, October 30, 1985.

Passed to be enacted,

George Jernigan

, Speaker.

In Senate, October 30, 1985.

Passed to be enacted,

William M. Bulger

, President.

November 12, 1985.

Approved,

William F. Murphy

Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING FRANK ALBANO TO TAKE A CIVIL SERVICE EXAMINATION FOR
FIREFIGHTER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

*Be it enacted by the Senate and House of Representatives in General Court
assembled, and by the authority of the same, as follows:*

Notwithstanding the provisions of any general or special law or rule to
the contrary regulating the maximum age of applicants for appointment as a
firefighter, Frank Albano of the city of Newton shall be eligible to take the
next open competitive examination for appointment to the position of fire-
fighter and, provided he meets all other requirements, shall be eligible for
certification and appointment.

House of Representatives, October 31, 1985.

Passed to be enacted, *George Kuvshinov*, Speaker.

In Senate, November 4, 1985.

Passed to be enacted, *William M. Bulger*, President.

November 13, 1985.

Approved,

Michael S. Dukakis Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING GERALD D. COLTON TO TAKE A CIVIL SERVICE EXAMINATION FOR FIREFIGHTER IN THE TOWN OF TEWKSBURY NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary or any rule regulating the maximum age of applicants for appointment as a firefighter, Gerald D. Colton, shall be eligible to take the next open, competitive examination for the position of firefighter in the town of Tewksbury and, provided he meets all other requirements, shall be eligible for certification and appointment.

SECTION 2. This act shall take effect upon its passage.

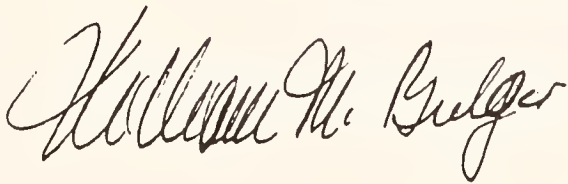
House of Representatives, November 19, 1985.

Passed to be enacted,

 , Acting Speaker.

In Senate, November 20, 1985.

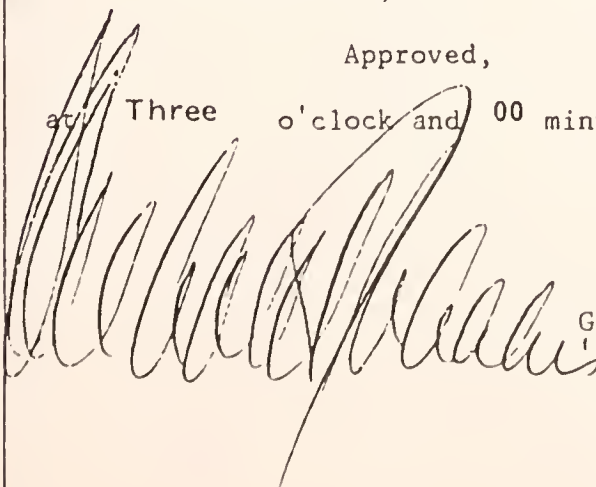
Passed to be enacted,

 , President.

November 20, 1985.

Approved,

at Three o'clock and 00 minutes, P. M.

 Governor.

Chapter 517.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT PROVIDING THAT JOHN REARDON OF THE CITY OF BOSTON MAY TAKE THE NEXT OPEN COMPETITIVE ENTRANCE EXAMINATION FOR FIREFIGHTER.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule to the contrary regulating the maximum age of applicants for appointment as a firefighter, John Reardon of the city of Boston, shall be eligible to take the next open competitive entrance examination for firefighter in the city of Boston and, provided he meets all other requirements, shall be eligible for certification and appointment as a firefighter in the city of Boston.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, November 21, 1985.

Passed to be enacted,

Mary Jane Gihon, Acting Speaker.

In Senate, November 22, 1985.

Passed to be enacted,

Charles O'Brien, Acting President.

November 22, 1985.

Approved,

at Seven o'clock and 15 minutes, P. M.

Michael Dukakis Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING NEAL R. HERRICK TO TAKE A CIVIL SERVICE EXAMINATION FOR FIREFIGHTER IN THE TOWN OF MANSFIELD NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule to the contrary regulating the maximum age of applicants for appointment as a firefighter, Neal R. Herrick shall be eligible to take the next competitive examination for firefighter in the town of Mansfield and, provided he meets all other requirements, shall be eligible for certification and appointment.

SECTION 2. This act shall take effect as of November twentieth, nineteen hundred and eighty-five.

House of Representatives, November 21, 1985.

Passed to be enacted,

Mary Jane Gibson, Acting Speaker.

In Senate, November 22, 1985.

Passed to be enacted,

Edward D. Bon, Acting President.

November 22, 1985.

Approved,

William R. Laake
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT INCREASING THE AMOUNT A SCHOOL COMMITTEE MAY EXPEND FOR CERTAIN COLLECTIVE BARGAINING LEGAL SERVICES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 16 of chapter 71 of the General Laws is hereby amended by striking out clause (j), as appearing in the 1984 Official Edition, and inserting in place thereof the following clause:-

(j) To engage legal counsel.

SECTION 2. Section 37E of said chapter 71, as so appearing, is hereby amended by striking out the word "ten", in line 5, and inserting in place thereof the word:- twenty-five.

SECTION 3. Said chapter 71 is hereby further amended by striking out section 37F, as so appearing, and inserting in place thereof the following section:-

Section 37F. The school committee of a city or town may employ legal counsel for the general purposes of the committee and may expend money therefor from the funds appropriated by said city or town for school purposes. Said legal counsel shall not be subject to the provisions of section nine A of chapter thirty or the provisions of chapter thirty-one.

House of Representatives, November 12, 1985.

Passed to be enacted,

Robert J. Connelley

Acting
Speaker.

In Senate, November 13, 1985.

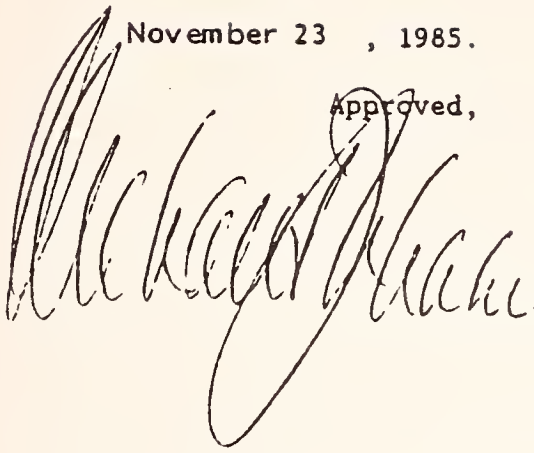
Passed to be enacted,

William M. Bulger

, President.

November 23 , 1985.

Approved,

 Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT FURTHER REGULATING ENTRANCE REQUIREMENTS FOR CERTAIN CIVIL SERVICE EXAMINATIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 31, as appearing in the 1984 Official Edition, is hereby further amended by striking out the definition of "Certification" and inserting in place thereof the following definition:-

"Certification", the designation to an appointing authority by the administrator of sufficient names from an eligible list or register for consideration of the applicants' qualifications for appointment pursuant to the personnel administration rules.

SECTION 2. Section 1 of said chapter 31 of the General Laws, as so appearing, is hereby amended by striking out the definition of "Entrance requirements" and inserting in place the following definition:-

"Entrance requirements", the experience and educational prerequisites which an applicant must satisfy in addition to passing a civil service examination to be qualified for appointment to a civil service position.

SECTION 3. Section 6 of said chapter 31, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

An appointing authority desiring to make an original appointment in the official service shall submit a requisition to the administrator. Upon receipt of such requisition, the administrator shall certify from the eligible list sufficient names of persons for consideration of their qualifications for appointment by the appointing authority pursuant to section twenty-five and the personnel administration rules. If no suitable eligible list exists, or if the list contains the names of fewer than three persons who are qualified for appointment and willing to accept employment, the appointing authority may make a provisional appointment pursuant to sections twelve, thirteen and fourteen.

SECTION 4. Said chapter 31, as so appearing, is hereby amended by striking out section 13 and inserting in place thereof the following section:-

Section 13. An appointing authority, in requesting authorization to make a provisional appointment, shall file with the administrator or, if the appointing authority is a department, board, commission, institution or other agency within a executive office, with the secretary in charge of such office, a notice containing: (1) the information which the appointing authority believes is necessary to prepare and conduct an examination for the position for which such authorization is being requested, including a statement of the duties of the position, and the knowledge, skills and abilities necessary to perform such duties; (2) a proposal specifying the type of examination which should be held by the administrator; (3) a substantiation that the person proposed for the provisional appointment meets the proposed requirements for appointment to the position and possesses the knowledge, skills and abilities necessary to perform such duties.

SECTION 5. The first paragraph of section 22 of said chapter 31, as so appearing, is hereby amended by striking out, in line 6, the words "of the examination" and inserting in place thereof the following words:- designated by the administrator.

SECTION 6. Clause (3) of the second paragraph of said section 22 of said chapter 31, as so appearing, is hereby amended by striking out, in line 7, the words "the examination" and by inserting in place thereof the following words:- appointment to the position.

SECTION 7. The third paragraph of said section 22 of said chapter 31, as so appearing, is hereby amended by striking out, in lines 21 and 24, the words "the examination" and inserting in place thereof the following words:- appointment to the position.

SECTION 8. The first paragraph of section 23 of said chapter 31, as so appearing, is hereby amended by striking out, in line 8, the words "the examination" and inserting in place thereof the following words:- appointment to the position.

SECTION 9. The second paragraph of said section 23 of said chapter 31, as so appearing, is hereby amended by striking out, in line 8, the words "of the examination" and inserting in place thereof the following words:- designated by the administrator.

SECTION 10. The first paragraph of section 24 of said chapter 31, as so appearing, is hereby amended by striking out, in line 5, the words "the examination" and inserting in place thereof the following words:- appointment to the position.

SECTION 11. The second paragraph of said section 24 of said chapter 31, as so appearing, is hereby amended by striking out, in lines 22 and 23, the words "of the examination" and inserting in place thereof the following words:- designated by the administrator.

SECTION 12. Section 25 of said chapter 31, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The administrator shall establish, maintain and revise eligible lists of persons who have passed each examination for appointment to a position in the official service.

SECTION 13. Said section 25 of said chapter 31, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Persons on an eligible list shall be eligible for certification from such list for such period as the administrator shall determine, but in any event not to exceed two years, unless one of the following exceptions applies: (1) such eligibility is extended by law because such persons are in the military or naval service; (2) the administrator is temporarily enjoined by a court order from certifying names from an eligible list, in which case eligibility of persons on such list shall be extended for a period equal to the duration of such order; or (3) no new list is established, in which case eligibility of all persons on such list shall be extended until a new list is established for the same position for which the original list was established; provided, however, that the administrator may revoke the eligibility of the entire list or of any persons on such list subsequent to said two-year period if he shall determine that the effective maintenance of the merit system so requires such revocation and, provided further, that a written notice and explanation for said revocation is sent to the clerks of the senate and house of representatives.

SECTION 14. Said section 25 of said chapter 31, as so appearing, is hereby further amended by striking out the fourth paragraph.

SECTION 15. Said section 25 of said chapter 31, as so appearing, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

Following the certification of names to an appointing authority, such appointing authority shall submit a written report to the administrator indicating (a) with respect to each person whose name was certified, whether such person appeared to sign the certification, (b) whether each person who so appeared declined or expressed willingness to accept employment, and (c) each person selected for appointment. Such report shall include such verification as the administrator may require that each person willing to accept employment meets or fails to meet the entrance requirements for appointment designated by the administrator. Failure to submit such report on or prior to the date of expiration of the eligibility of a person on such list shall nullify an appointment of such person.

SECTION 16. Said chapter 31, as so appearing, is hereby amended by striking out section 27 and inserting in place thereof the following section:-

Section 27. Except as provided otherwise by section fifteen, if the administrator certifies from an eligible list the names of three persons who are qualified for and willing to accept appointment, the appointing authority, pursuant to the civil service law and rules, may appoint only from among such persons. If such eligible list contains the names of fewer than three such persons, the appointing authority may appoint from among those persons or may request authorization to make a provisional appointment pursuant to sections twelve, thirteen and fourteen.

If an appointing authority makes an original or promotional appointment from a certification of any qualified person other than the qualified person whose name appears highest, and the person whose name is highest is willing to accept such appointment, the appointing authority shall immediately file with the administrator a written statement of his reasons for appointing the person whose name was not highest. Such an appointment of a person whose name was not highest shall be effective only when such statement of reasons has been received by the administrator. The administrator shall make such statement available for public inspection at the office of the department.

House of Representatives, November 14, 1985.

Passed to be enacted,

George J. Mercurio

, Speaker.

In Senate, November 14 , 1985.

Passed to be enacted, *William M. Bulger* , President.

November 23 , 1985.

Approved, *Richard A. DiPietro* Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING THE CITY OF REVERE TO CONTINUE THE EMPLOYMENT OF SER-
GEANT JOHN W. BROWN AFTER THE AGE OF SEVENTY.

*Be it enacted by the Senate and House of Representatives in General Court
assembled, and by the authority of the same, as follows:*

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, John W. Brown, a sergeant in the Revere police department, is hereby authorized to continue in such position until and including January fourteenth, nineteen hundred and ninety-one; provided, however, that he is mentally and physically capable of performing the duties of his office or position. Said John W. Brown shall, annually, at his own expense, be examined by an impartial physician designated by the Revere retirement board to determine such capability. No further deductions shall be made from the regular compensation of said employee under the provisions of chapter thirty-two of the General Laws for service subsequent to January fourteenth, nineteen hundred and eighty-six, and upon retirement said employee shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired on said date.

SECTION 2. The provisions of this act shall take effect upon an affirmative vote of the city council of said city, subject to the provisions of its charter.

House of Representatives, November 14, 1985.

Passed to be enacted, *George Seaverian*, Speaker.

In Senate, November 17, 1985.

Passed to be enacted, *William J. Bulger*, President.

November 26, 1985.

Approved,

Michael Dukakis
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING THE CERTIFICATION AND APPOINTMENT OF DENIS BOURQUE OF THE TOWN OF LYNNFIELD AS A POLICE OFFICER NOTWITHSTANDING HIS SEPARATION FROM SUCH POSITION FOR OVER FIVE YEARS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule to the contrary, the board of selectmen of the town of Lynnfield may reinstate Denis Bourque to the position of police officer of said town upon the occurrence of the next vacancy in the rank of patrolman in the police department of said town provided he passes a physical examination administered by the personnel administration of the department of personnel administration.

Nothing in the act shall require the board of selectmen to reinstate Denis Bourque to said position.

SECTION 2. This act shall take effect upon its passage and shall become inoperative on December thirty-first, nineteen hundred and eighty-six.

House of Representatives, November 21, 1985.

Passed to be enacted,

Mary Jane Giblin Acting
Speaker.

In Senate, November 22, 1985.

Passed to be enacted,

Edward O'Brien Acting
President.

December 4, 1985.

Approved,

at Four o'clock and 15 minutes, P. M.

William F. Flaherty Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT PROVIDING FOR AUDITS OF CONTRIBUTORY RETIREMENT SYSTEMS BY PUBLIC ACCOUNTANTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Paragraph (a) of subdivision (1) of section 21 of chapter 32 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following four sentences:- Whenever the board of any system causes an examination of its financial condition to be made by a certified public accountant or a public accountant selected by said board, the board shall immediately, upon the employment of such person, file his name and address with the commissioner, and such person shall, within ten days after making the report of such examination to the board of such system, file a certified copy thereof with the commissioner. Any certified public accountant selected by said board shall conduct such examination in accordance with such procedures as the commissioner shall establish. The commissioner may, in his discretion, accept the examination so made, or cause an examination to be made pursuant to this paragraph. An examination conducted by a certified public accountant or a public accountant selected by said board, which is accepted by the commissioner, shall be deemed to be the examination required by this paragraph.

SECTION 2. Subdivision (2) of said section 21 of said chapter 32, as so appearing, is hereby amended by inserting after the word "commonwealth", in line 64, the words:- except for any expenses incurred in connection with a certified public accountant or a public accountant selected by the board of any system pursuant to the provisions of paragraph (a) of subdivision (1), which expenses shall be paid primarily by the applicable system.

House of Representatives, November 21, 1985.

Passed to be enacted,

May Jane Gilman

Acting
Speaker.

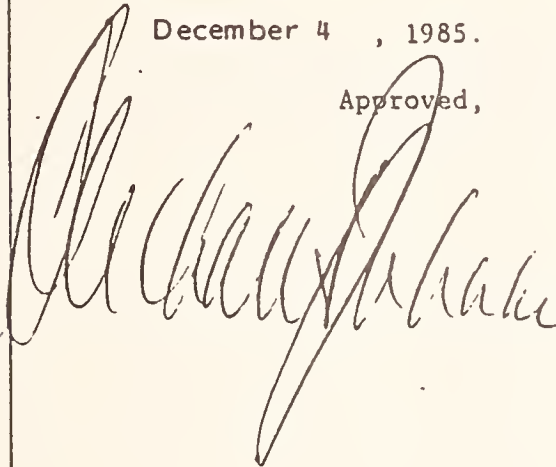
In Senate, November 22, 1985.

Passed to be enacted,

 Acting President.

December 4, 1985.

Approved,

 Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING STEPHEN M. MELLOR TO TAKE A CIVIL SERVICE EXAMINATION FOR POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding the provisions of any general or special law or rule to the contrary regulating the maximum age of applicants for an appointment as a police officer, Stephen M. Mellor of the city of Boston shall be eligible to take the next open competitive examination for appointment to the position of police officer and, provided he meets all other requirements, shall be eligible for certification and appointment.

House of Representatives, November 21, 1985.

Passed to be enacted,

Mary Jane Gibson, Acting Speaker.

In Senate, November 22, 1985.

Passed to be enacted,

Robert D. Ames, Acting President.

December 4, 1985.

Approved,

Michael J. Dukakis, Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT PROVIDING THAT EMPLOYEES OF THE DEPARTMENT OF SOCIAL SERVICES WHO SUFFER ASSAULT AND BATTERY IN THE PERFORMANCE OF THEIR DUTIES SHALL BE PROTECTED.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 265 of the General Laws is hereby amended by striking out section 13D, as appearing in chapter 153 of the acts of 1985, and inserting in place thereof the following section:-

Section 13D. Whoever commits an assault and battery upon a police officer, firefighter, correction officer, sheriff, deputy sheriff, court officer, parole officer, parole supervisor, constable, an employee of the department of social services, an employee of the registry of motor vehicles having police powers, a public school teacher, a public school administrator or any person in a public school system having duties similar to a teacher or administrator when such person is engaged in the performance of his duty at the time of such assault and battery, or a bus, trackless trolley, rail, or rapid transit motorman, operator, gateman, guard, or collector when such person is engaged in the performance of his duties at the time of such assault and battery, shall be punished by imprisonment for not less than ninety days nor more than two and one-half years in a house of correction or by a fine of not less than five hundred nor more than five thousand dollars.

House of Representatives, November 21, 1985.

Passed to be enacted,

Mary Jane Gibson, Acting Speaker.

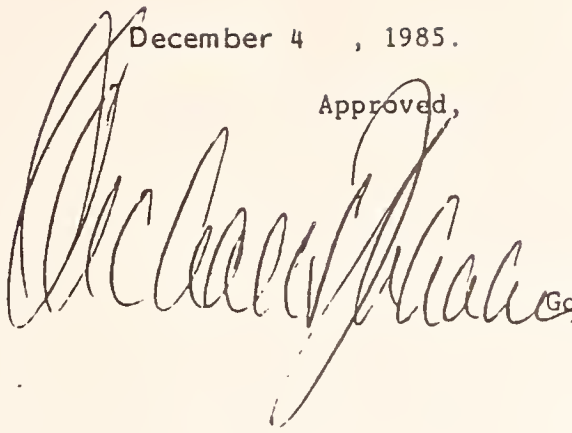
In Senate, November 22, 1985.

Passed to be enacted,

David D. Murphy, Acting President.

December 4 , 1985.

Approved,

 Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING GEORGE FISK TO TAKE A CIVIL SERVICE EXAMINATION FOR POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding the provisions of any general or special law or rule to the contrary regulating the maximum age of applicants for appointment as a police officer, George Fisk shall be eligible to take the next open competitive examination for police officer in the town of North Attleborough and, provided he meets all other requirements, shall be eligible for certification and appointment.

House of Representatives, November 25, 1985.

Passed to be enacted,



Acting
Speaker.

In Senate, November 25, 1985.

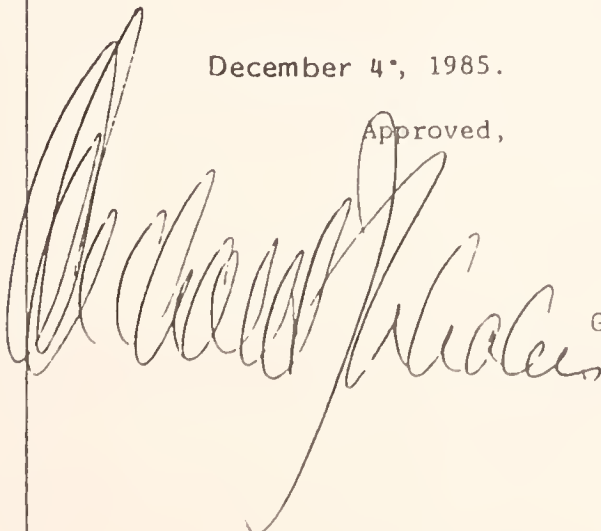
Passed to be enacted,



, President.

December 4, 1985.

Approved,



Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING JOHN C. DRINKWATER TO TAKE A CIVIL SERVICE EXAMINATION FOR THE POSITION OF FIREFIGHTER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately allow for the taking of a civil service examination for the position of firefighter, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public welfare and convenience.


Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule to the contrary regulating the maximum age of applicants for appointment as a firefighter, John C. Drinkwater, of the town of Norwood, shall be eligible to take the open competitive examination for the position of firefighter to be held on November twenty-third, nineteen hundred and eighty-five and, provided he meets all other requirements, shall be eligible for certification and appointment.

SECTION 2. Notwithstanding the provisions of section one of this act, John C. Drinkwater shall not be eligible for appointment to the position of firefighter in a city or town unless such city or town has accepted the provisions of this act authorizing said appointment.

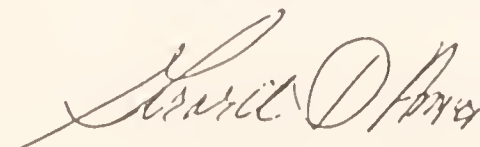
House of Representatives, November 21, 1985.

Preamble adopted,

 , Acting Speaker.

In Senate, November 22, 1985.

Preamble adopted,

 , Acting President.

House of Representatives, November 25, 1985.

Bill passed to be enacted, *Robert Conner* Acting
Speaker.

In Senate, November 25, 1985.

Bill passed to be enacted, *William M. Bulger*, President.

December 5, 1985.

Approved,

at Four o'clock and 10 minutes, P. M.

William M. Bulger Governor.

Chapter 560

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT RELATIVE TO APPLICATION FOR PUBLIC EMPLOYMENT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 20 of chapter 31 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding the foregoing provisions, an application for examination or registration shall contain the following question:

"Have you been convicted of a criminal offense other than drunkenness, simple assault, speeding, traffic violation, affray, or disturbance of the peace?

Yes.

NO

If yes, please indicate the date, court, offense charged and the penalty imposed." Each applicant shall answer such question, subject to the provisions of sections one hundred A, one hundred B and one hundred C of chapter two hundred and seventy-six.

House of Representatives, November 21, 1985.

Passed to be enacted,

Mary Jane Gibson, Acting Speaker.

In Senate, November 22, 1985.

Passed to be enacted,

Paul D. O'Brien, Acting President.

December 5, 1985.

Approved,

William F. Weld
Governor.

Chapter 564

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING ROBERT ST. JOHN TO TAKE A CIVIL SERVICE EXAMINATION FOR POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding the provisions of any general or special law or rule to the contrary regulating the maximum age of applicants for appointment as a police officer, Robert St. John shall be eligible to take the next open competitive examination for police officer in the town of North Attleborough and, provided he meets all other requirements, shall be eligible for certification and appointment.

House of Representatives, November 25, 1985.

Passed to be enacted,

Robert Conner

Acting
Speaker.

In Senate, November 25, 1985.

Passed to be enacted,

William M. Bulger

President.

December 5, 1985

Approved,

William M. Bulger
Governor.

Chapter 581

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT RELATIVE TO CERTAIN MILEAGE FEES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 53B of chapter 262 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Any such officer who attends court held at a place other than his residence in a criminal case pending in any court of the commonwealth shall be reimbursed in accordance with the mileage rate then in effect for state employees as set by the commissioner of administration for travel out and home for each day's attendance, except that travel allowance shall not be allowed when such travel is made in state-owned vehicles.

House of Representatives, December 9, 1985.

Passed to be enacted,

George Luennan

, Speaker.

In Senate, December 9, 1985.

Passed to be enacted,

William M. Bulger

, President.

December 16, 1985.

Approved,

Michael Dukakis

Governor.

Chapter 611.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT PROVIDING THAT CAPTAIN THOMAS NASTASIA MAY CONTINUE EMPLOYMENT WITH THE POLICE DEPARTMENT OF THE CITY OF LAWRENCE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, Thomas Nastasia, a captain in the police department of the city of Lawrence, is hereby authorized to continue in such office or position until he reaches age seventy; provided, however, that he is mentally and physically capable of performing the duties of his office or position; and provided, further, that he shall hold said office or position subject to the approval of the appointing authority, and may be removed therefrom in accordance with the provisions of chapter thirty-one of the General Laws. The appointing authority may, at its own expense, require said Thomas Nastasia to be examined by an impartial physician designated by the retirement board of the city of Lawrence to determine his capability for continued service. Deductions shall continue to be made from the regular compensation of said Thomas Nastasia under the provisions of chapter thirty-two of the General Laws for any service performed between age sixty-five and seventy, and upon retirement said Thomas Nastasia shall receive a superannuation allowance, or a veteran's pension allowance, as applicable, equal to that appropriate for his full years of creditable service, including any such actual service between age sixty-five and seventy. Should said Thomas Nastasia be determined to be not capable of continuing in service pursuant to an examination by an impartial physician as provided for in this act, he shall be retired for superannuation, and shall not be presumed by virtue of such determination to be disabled for the purposes of said chapter thirty-two.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, December 11, 1985.

Passed to be enacted, *George Leeman*, Speaker.

In Senate, December 11, 1985.

Passed to be enacted, *William M. Bulger*, President.

December 23, 1985.

Approved,

at Ten o'clock and 50 minutes, A . M.

Richard H. Snodgrass Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT FURTHER REGULATING GROUP INSURANCE BENEFITS FOR STATE EMPLOYEES AND RETIRED STATE EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 5 of chapter 32A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out in lines 1, 2, 23, and 24, the word "two", and inserting in place thereof, in each instance, the word:- five.

SECTION 2. Section 6 of said chapter 32A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The amount of group life insurance on each employee shall be five thousand dollars, and the amount of group accidental death and dismemberment insurance on each employee shall be five thousand dollars, except that those employees desiring to elect optional coverage in excess of five thousand dollars group life insurance and five thousand dollars group accidental death and dismemberment insurance may do so as provided in section ten A.

SECTION 3. The first paragraph of section 10 of said chapter 32A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commission shall require that, upon retirement of an employee, the policy or policies of insurance as set forth in section six, except the optional group life insurance referred to therein, shall provide that the five thousand dollars of group life insurance, the five thousand dollars of group accidental death and dismemberment insurance and the group general or blanket insurance providing hospital, surgical, medical, dental and other health insurance, as provided under sections five and ten C, as may be applicable, shall be continued, provided said retiree makes application to the commission on a form prescribed by the rules and regulations of the commission.

House of Representatives, December 19, 1985.

Passed to be enacted, *George Luinian*, Speaker.

In Senate, December 19, 1985.

Passed to be enacted, *William W. Bulger*, President.

December 23, 1985.

Approved,

Michael Dukakis
Governor.

Chapter 667

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT RELATIVE TO THE CLASSIFICATION OF THE POSITIONS OF CHATHAM HARBOR-MASTER AND CHATHAM SHELLFISH CONSTABLE IN THE BARNSTABLE COUNTY RETIREMENT SYSTEM.

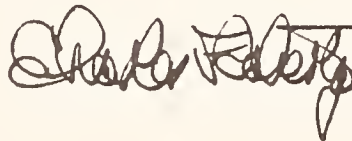
Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of section three of chapter thirty-two of the General Laws, the harbormaster and shellfish constables of the town of Chatham shall be classified in Group 2 for the purposes of said chapter thirty-two.

SECTION 2. This act shall take effect upon its acceptance by a majority vote of the board of selectmen of the town of Chatham.

House of Representatives, December 16, 1985.

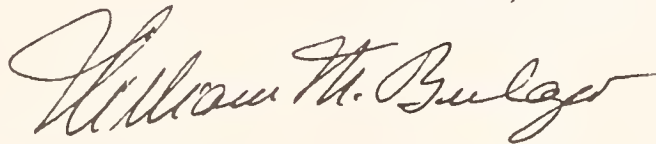
Passed to be enacted,



Acting
Speaker.

In Senate, December 16, 1985.

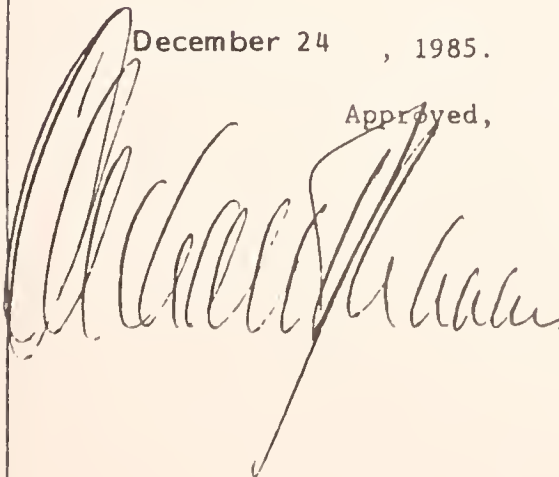
Passed to be enacted,



, President.

December 24, 1985.

Approved,



Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING A PENSION TO DONALD J. LAPORTE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. For the purpose of promoting the public good, the State-Boston retirement board shall forthwith retire on an annual pension to be paid in equal monthly installments, to Donald J. LaPorte, a firefighter in the fire department of said city, who is permanently incapacitated for further service as a firefighter as a result of injuries sustained by him in the performance of his duty on October second, nineteen hundred and eighty-two at an arson fire in the South Boston section of the city of Boston. Such pension shall be equal to the annual rate of regular compensation which would have been paid to him had he continued in service in the grade held by him at the time of his retirement. Upon the death of Donald J. LaPorte leaving Patricia A. LaPorte his wife surviving him, the city of Boston shall pay her, so long as she remains unmarried, an annuity in the amount of three-quarters of the amount of the pension payable to said Donald J. LaPorte at the time of his death.

SECTION 2. Upon the retirement of Donald J. LaPorte under the provisions of section one of this act, the State-Boston retirement board shall forthwith pay to the said Donald J. LaPorte all amounts standing to his credit, in the annuity savings fund of the State-Boston retirement board.

SECTION 3. The provisions of section one hundred of chapter forty-one of the General Laws shall continue to apply to Donald J. LaPorte relative to his indemnification by the city of Boston for any hospital, medical and related expenses which may be incurred by him after the date of his retirement as a result of the aforementioned incapacity.

SECTION 4. This act shall take effect upon its passage.

House of Representatives, December 17, 1985.

Passed to be enacted,

George F. American, Speaker.

In Senate, December 18, 1985.

Passed to be enacted,

William M. Bulger

, President.

December 30, 1985.

Approved,

at Two o'clock and 10 minutes, P. M.

William M. Bulger
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT PROHIBITING INVESTMENT OF PUBLIC PENSION FUNDS OF THE TOWN OF WATERTOWN IN FINANCIAL INSTITUTIONS DOING BUSINESS IN OR WITH THE REPUBLIC OF SOUTH AFRICA.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

After December thirty-first, nineteen hundred and eighty-six, no public pension funds of the city known as the town of Watertown shall be invested or remain invested, or be deposited or remain deposited in any bank or financial institution which directly or through its subsidiaries has outstanding loans or existing lines of credit to the Republic of South Africa or its instrumentalities; or in any corporation doing business in the Republic of South Africa or its instrumentalities; or in any company or its subsidiaries for the purpose of investment in the Republic of South Africa or its instrumentalities; and no such pension funds shall be invested or remain invested in the stocks, securities, or other obligations of any company doing business in or with the Republic of South Africa or its instrumentalities, or whose subsidiary or affiliate does business in or with the Republic of South Africa or its instrumentalities; provided, however, that in the event the Republic of South Africa and its instrumentalities abolishes apartheid, the city known as the town of Watertown may reinvest their public pension funds in said country so long as such use is consistent with sound investment policy.

House of Representatives, December 19, 1985.

Passed to be enacted,

James F. Kelly
Acting
Speaker.

In Senate, December 19, 1985.

Passed to be enacted,

William M. Bulger
President.

December 30, 1985.

Approved,

Michael Dukakis
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING THE CITY OF BOSTON TO GRANT A PENSION TO MANUEL J. GREGORIO.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary, and in order to promote the public good, the State-Boston retirement board is hereby authorized and directed to retire Manuel J. Gregorio, a firefighter of the city of Boston, who as the result of injuries sustained while in the performance of his duties at an arson fire at the United States Marine Barracks, located at "E" Street in the South Boston section of the city of Boston on October second, nineteen hundred and eighty-two is totally and permanently incapacitated for further service as a firefighter. The annual amount of pension payable to Manuel J. Gregorio under this act shall be fixed in an amount equal to the regular rate of compensation which would have been paid had he continued in service as a firefighter in said city at the grade held by him at the time of his retirement.

Such retirement shall become effective as of the date following the last day on which he is entitled to receive regular compensation.

Upon the retirement of Manuel J. Gregorio, the retirement board of said city shall forthwith pay to him all amounts standing to his credit in the annuity savings fund of the retirement system of said city.

SECTION 2. The provisions of section one hundred of chapter forty-one of the General Laws shall continue to apply to Manuel J. Gregorio relative to his indemnification by the city of Boston for any hospital, medical and related expenses which may be incurred by him after the date of his retirement as a result of the aforementioned incapacity.

SECTION 3. Upon the death of Manuel J. Gregorio, if his wife, Mary E. Gregorio survives him and as long as she remains unmarried, the city shall pay to Mary E. Gregorio an annual annuity equal to the sum of three-fourths of the amount of the pension payable to him at the time of his death and three hun-

dred and twelve dollars for each child of Manuel J. Gregorio for such time as such child is either under eighteen years of age or totally physically or mentally incapacitated from working. If Mary E. Gregorio remarries, the city shall pay to her, in lieu of the aforesaid annuity, an annual annuity of five hundred and twenty dollars for each child of Manuel J. Gregorio for such time as such child is residing with her and is either under eighteen years of age on January first of the year in question or totally or mentally incapacitated from working.

House of Representatives, December 17, 1985.

Passed to be enacted, *George Kerneran*, Speaker.

In Senate, December 18, 1985.

Passed to be enacted, *William M. Bulger*, President.

December 30, 1985.

Approved,

Robert J. Miano Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT RELATIVE TO THE PAYMENT OF ACCIDENTAL DEATH BENEFITS TO THE WIDOW OF JAMES J. COOK.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding the provisions of any general or special law to the contrary, and for the purpose of promoting the public good, Beverly L. Cook, widow of James J. Cook, a former employee of the engineering department in the town of Greenfield, shall, in addition to the survivor allowance payable to her under the provisions of Option C of subdivision (2) of section twelve of chapter thirty-two of the General Laws, be paid the lump sum in the amount of sixteen thousand five hundred dollars for the purpose of redeeming liability of said town for said James J. Cook's accidental death claim.

House of Representatives, December 20, 1985.

Passed to be enacted,

George J. Finneran

, Speaker.

In Senate, December 20, 1985.

Passed to be enacted,

William H. Bulger

, President.

December 31, 1985.

Approved,

Michael Dukakis Governor.

Chapter 721

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT RELATIVE TO EQUAL EMPLOYMENT OPPORTUNITIES IN THE DEPARTMENT OF CORRECTION.

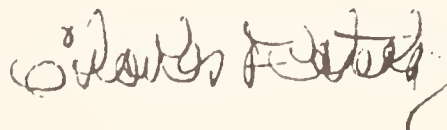
Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section fifteen of chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven is hereby repealed.

SECTION 2. Notwithstanding any provisions of chapter thirty-one of the General Laws, or any other general or special law to the contrary, first preference for all permanent or temporary positions at the Southeastern Correctional Center and the Massachusetts Correctional Institution at Bridgewater shall be given to those persons determined by the commissioner of corrections to be residents of Bridgewater, provided that such persons are otherwise qualified for such positions. For those positions under the provisions of chapter thirty-one, Bridgewater residents who achieve a passing grade on examinations and are otherwise qualified under department regulations shall have their names placed at the top of the list in order of their grade.

House of Representatives, December 20, 1985.

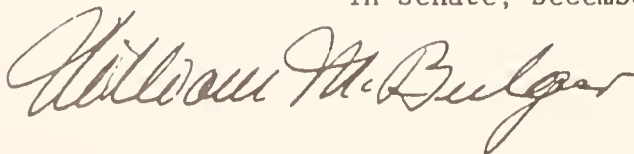
Passed to be enacted,



Acting
Speaker.

In Senate, December 20, 1985.

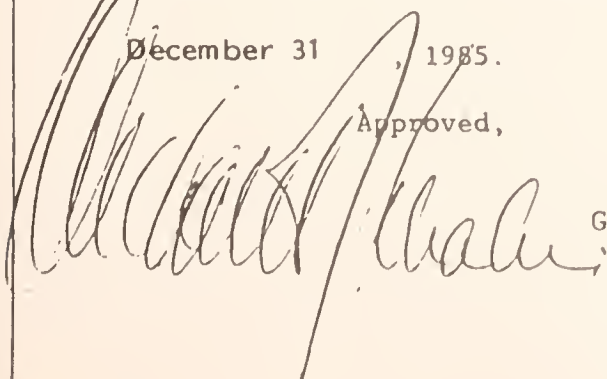
Passed to be enacted,



, President.

December 31, 1985.

Approved,



Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT FURTHER REGULATING COLLECTIVE BARGAINING IMPASSES INVOLVING MEMBERS OF THE BARGAINING UNIT OF THE UNIFORMED BRANCH OF THE STATE POLICE, OR THE UNIT REPRESENTING METROPOLITAN DISTRICT COMMISSION POLICE OFFICERS SUBORDINATE TO THE RANK OF CAPTAIN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 1078 of the acts of 1973 is hereby amended by striking out section 4B, inserted by section 2 of chapter 594 of the acts of 1979, and inserting in place thereof the following two sections:-

Section 4B. If an employee organization duly recognized as representing the bargaining unit of the uniformed branch of the state police is engaged in an impasse which has continued for thirty days after the publication of the fact-finder's report pursuant to section nine of chapter one hundred and fifty E of the General Laws, or, if the parties have mutually waived the fact-finding provisions contained in said section nine of said chapter one hundred and fifty E, said employee organization shall petition the board to make an investigation. If, after an investigation, the board determines that:

(1) the requirements of section nine of said chapter one hundred and fifty E have been complied with in good faith by the employee organization;

(2) thirty days have passed since the date of publication of the fact-finding report pursuant to said section nine;

(3) the proceedings for the prevention of any prohibited practices have been exhausted, provided that any such complaints have been filed with the commission prior to the date of the fact-finder's report; and

(4) an impasse exists, the board shall notify the employer and the employee organization that the issues in dispute shall be resolved by a three-member arbitration panel, or when the parties mutually agree, the board shall select a single arbitrator in lieu of the arbitration panel.

Said panel shall be comprised of three arbitrators, one selected by the employer, one selected by the employee organization, and a third impartial

arbitrator, who shall act as chairman of the panel, who shall be selected by the two previously selected arbitrators. In the event that either party fails to select an arbitrator or for any reason there is a delay in the naming of an arbitrator, or if the arbitrators fail to select a third arbitrator within the time prescribed by the board, the board shall appoint the arbitrator or arbitrators necessary to complete the panel, which shall act with the same force and effect as if the panel had been selected without intervention of the board.

In the event that the parties mutually elect to use a single arbitrator, selected by the board, the parties shall immediately request the board to appoint said arbitrator, who shall act with the same force and effect as if a three-member panel had been selected by the parties.

The single arbitrator or the arbitration panel acting through its chairman, shall conduct a hearing within ten days after the date of appointment of its chairman. The chairman shall give at least seven days notice of the time and place of such hearing in writing to each of the other arbitrators and to the representatives of such employer and employee organizations.

The single arbitrator or chairman shall preside over the hearing and shall take testimony. Upon application and for good cause shown, a person, labor organization, or governmental unit having substantial interest therein may be granted leave to intervene by the arbitration panel. The proceedings shall be informal. Any oral or documentary evidence and other data deemed relevant by the arbitration panel or single arbitrator may be received into evidence. The arbitrators shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of books, records, and other evidence relative to or pertinent to the issues presented to them for determination. If any person refuses to obey a subpoena, refuses to be sworn or to testify, or if any witness, party, or attorney is guilty of any contempt while in attendance at any hearing, the arbitration panel or single arbitrator may, or the district attorney if requested, shall invoke the aid of the superior court within the jurisdiction in which the hearing is being held, whereupon the court shall issue an appropriate order.

A record of the proceedings shall be kept, and the chairman or single arbitrator shall arrange for the necessary recording service. Transcripts may be ordered at the expense of the party ordering them, but the transcripts shall not be necessary for an award by the panel or single arbitrator. The

hearing may be continued at the discretion of the panel or single arbitrator and shall be concluded within forty days from the time of commencement. At the conclusion of the hearing, each party shall submit a written statement containing its last and best offer for each of the issues in dispute to the panel or single arbitrator, who shall take said statements under advisement. Within ten days after the conclusion of the hearing, a majority of the panel, or the single arbitrator, shall select as the last and best arbitration award either the employer's written statement of its last and best offer, the employee organization's written statement of its last and best offer, or the recommendations of the fact-finder, if a fact-finding report and recommendations have been issued, and immediately shall give written notice of the selection to the parties. The selection shall be final and binding upon the parties, subject to appropriation. Within thirty calendar days of the last and best offer selection and award, the impartial chairperson of the arbitration panel, or the single arbitrator, shall issue a written opinion inclusive of an analysis of all statutory factors applicable to the proceedings.

At any time before the rendering of an award, the chairman of the arbitration panel or single arbitrator, if he is of the opinion that it would be useful or beneficial to do so, may remand the dispute to the parties for further collective bargaining for a period not to exceed three weeks and notify the board of the remand. If the dispute is remanded for further collective bargaining the time provisions of this act shall be extended for a time period equal to that of the remand.

In the event that the representatives of the parties mutually resolve each of the issues in dispute and agree to be bound accordingly, said representatives may, at any time prior to the final decisions by the panel or single arbitrator, request that the arbitration proceedings be terminated. The panel, acting through its chairman or single arbitrator, shall terminate the proceedings.

The factors, among others, to be given weight by the arbitration panel or single arbitrator in arriving at the decision shall include, when applicable:

(1) The financial ability of the commonwealth to meet the costs. Such factors which shall be taken into consideration shall include, but not be limited to, the commonwealth's long and short term bonded indebtedness.

(2) The interests and welfare of the public.

(3) The hazards of employment, physical, educational and mental qualifications, job training and skills involved.

(4) A comparison of wages, hours and conditions of employment of the employees involved in the arbitration proceedings with the wages, hours and conditions of employment of other employees performing similar services and with other employees generally in public or private employment in comparable districts, communities, or other state or federal jurisdictions.

(5) The decisions and recommendations of the fact-finder, if any.

(6) The average consumer prices for goods and services, commonly known as the cost of living.

(7) The overall compensation presently received by the employees, including direct wages and fringe benefits.

(8) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.

(9) Such other factors not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between parties, in the public service or in private employment.

(10) The stipulation of the parties.

Any determination or decision of the arbitration panel or single arbitrator if supported by material and substantive evidence on the whole record shall be subject to appropriation, binding upon the parties and may be enforced at the instance of either party, the single arbitrator or the arbitration panel in the superior court in equity, provided however, that the scope of arbitration in police matters shall be limited to wages, hours, and conditions of employment and shall not include the following matters of inherent managerial policy: the right to appoint, promote, assign, and transfer employees. Assignments shall not be within the scope; provided, however, that the subject matters of initial station assignment upon appointment or promotion shall be within the scope of arbitration. The subject matter of transfer shall not be within the scope of arbitration; provided, however, that the subject matters of relationship of seniority to transfers and disciplinary and punitive transfers shall be within the scope of arbitration.

The commencement of a new fiscal year prior to the final awards by the arbitration panel shall not be deemed to render a dispute moot, or to otherwise impair the jurisdiction or authority of the arbitration panel or its award. Any award of the arbitration panel may be retroactive to the expiration date of the last contract.

If an employer, or an employee organization willfully disobeys a lawful order of enforcement pursuant to this section, or willfully encourages or offers resistance to such order, whether by strike or otherwise, the punishment for each day that such contempt continues may be a fine for each day to be determined at the discretion of said court.

Each of the parties shall provide compensation for the arbitrator which he has selected pursuant to this section. The remaining costs of arbitration proceedings under this section shall be divided equally between the parties. Compensation for the arbitrators shall be in accordance with a schedule of payment established by the American Arbitration Association.

Section 4C. If an employee organization duly recognized as representing the bargaining unit of the metropolitan district commission police officers subordinate to the rank of captain is engaged in an impasse which has continued for thirty days after the publication of the fact-finder's report pursuant to section nine of chapter one hundred and fifty E of the General Laws, or, if the parties have mutually waived the fact-finding provisions contained in said section nine of said chapter one hundred and fifty E, said employee organization shall petition the board to make an investigation. If, after an investigation, the board determines that:

(1) the requirements of section nine of said chapter one hundred and fifty E have been complied with in good faith by the employee organization;

(2) thirty days have passed since the date of publication of the fact-finding report pursuant to said section nine;

(3) the proceedings for the prevention of any prohibited practices have been exhausted, provided that any such complaints have been filed with the commission prior to the date of the fact-finder's report; and

(4) an impasse exists, the board shall notify the employer and the employee organization that the issues in dispute shall be resolved by a three-member arbitration panel, or when the parties mutually agree, the board shall select a single arbitrator in lieu of the arbitration panel.

Said panel shall be comprised of three arbitrators, one selected by the employer, one selected by the employee organization, and a third impartial arbitrator, who shall act as chairman of the panel, who shall be selected by the two previously selected arbitrators. In the event that either party fails to select an arbitrator or for any reason there is a delay in the naming of an arbitrator, or if the arbitrators fail to select a third arbitrator within the

time prescribed by the board, the board shall appoint the arbitrator or arbitrators necessary to complete the panel, which shall act with the same force and effect as if the panel had been selected without intervention of the board.

In the event that the parties mutually elect to use a single arbitrator, selected by the board, the parties shall immediately request the board to appoint said arbitrator, who shall act with the same force and effect as if a three-member panel had been selected by the parties.

The single arbitrator or the arbitration panel acting through its chairman, shall conduct a hearing within ten days after the date of appointment of its chairman. The chairman or single arbitrator shall give at least seven days notice of the time and place of such hearing in writing to each of the other arbitrators and to the representatives of such employer and employee organizations.

The single arbitrator or chairman shall preside over the hearing and shall take testimony. Upon application and for good cause shown, a person, labor organization, or governmental unit having substantial interest therein may be granted leave to intervene by the arbitration panel. The proceedings shall be informal. Any oral or documentary evidence and other data deemed relevant by the arbitration panel or single arbitrator may be received into evidence. The arbitrators shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of books, records, and other evidence relative to or pertinent to the issues presented to them for determination. If any person refuses to obey a subpoena, refuses to be sworn or to testify, or if any witness, party, or attorney is guilty of any contempt while in attendance at any hearing, the arbitration panel or single arbitrator may, or the district attorney if requested, shall invoke the aid of the superior court within the jurisdiction in which the hearing is being held, whereupon the court shall issue an appropriate order.

A record of the proceedings shall be kept, and the chairman or single arbitrator shall arrange for the necessary recording service. Transcripts may be ordered at the expense of the party ordering them, but the transcripts shall not be necessary for an award by the panel or single arbitrator. The hearing may be continued at the discretion of the panel or single arbitrator and shall be concluded within forty days from the time of commencement. At the conclusion of the hearing, each party shall submit a written statement

containing its last and best offer for each of the issues in dispute to the panel or single arbitrator, who shall take said statements under advisement. Within ten days after the conclusion of the hearing, a majority of the panel, or the single arbitrator, shall select as the last and best arbitration award either the employer's written statement of its last and best offer, the employee organization's written statement of its last and best offer, or the recommendations of the fact-finder, if a fact-finding report and recommendations have been issued, and immediately shall give written notice of the selection to the parties. The selection shall be final and binding upon the parties, subject to appropriation. Within thirty calendar days of the last and best offer selection and award, the impartial chairperson of the arbitration panel, or the single arbitrator, shall issue a written opinion inclusive of an analysis of all statutory factors applicable to the proceedings.

At any time before the rendering of an award, the chairman of the arbitration panel or single arbitrator, if he is of the opinion that it would be useful or beneficial to do so, may remand the dispute to the parties for further collective bargaining for a period not to exceed three weeks and notify the board of the remand. If the dispute is remanded for further collective bargaining the time provisions of this act shall be extended for a time period equal to that of the remand.

In the event that the representatives of the parties mutually resolve each of the issues in dispute and agree to be bound accordingly, said representatives may, at any time prior to the final decisions by the panel or single arbitrator, request that the arbitration proceedings be terminated. The panel, acting through its chairman or single arbitrator, shall terminate the proceedings.

The factors, among others, to be given weight by the arbitration panel or the single arbitrator in arriving at the decision shall include, when applicable:

(1) The financial ability of the district and the commonwealth to meet the costs. Such factors which shall be taken into consideration shall include, but not be limited to, (a) the district's state reimbursements and assessments; (b) the commonwealth's and district's long and short term bonded indebtedness; (c) the district's estimated share in the metropolitan district commission deficit; (d) the district's estimated share in the deficit of the Massachusetts Bay Transportation Authority's.

(2) The interests and welfare of the public.

(3) The hazards of employment, physical, educational and mental qualifications, job training and skills involved.

(4) A comparison of wages, hours and conditions of employment of the employees involved in the arbitration proceedings with the wages, hours and conditions of employment of other employees performing similar services and with other employees generally in public or private employment in comparable districts, communities, or other state or federal jurisdictions.

(5) The decisions and recommendations of the fact-finder, if any.

(6) The average consumer prices for goods and services, commonly known as the cost of living.

(7) The overall compensation presently received by the employees, including direct wages and fringe benefits.

(8) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.

(9) Such other factors not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between parties, in the public service or in private employment.

(10) The stipulation of the parties.

Any determination or decision of the arbitration panel or single arbitrator if supported by material and substantive evidence on the whole record shall be subject to appropriation, binding upon the parties and may be enforced at the instance of either party, the single arbitrator or the arbitration panel in the superior court in equity, provided however, that the scope of arbitration in police matters shall be limited to wages, hours, and conditions of employment and shall not include the following matters of inherent managerial policy: the right to appoint, promote, assign, and transfer employees. Assignments shall not be within the scope; provided, however, that the subject matters of initial station assignment upon appointment or promotion shall be within the scope of arbitration. The subject matter of transfer shall not be within the scope of arbitration, provided however, that the subject matters of relationship of seniority to transfers and disciplinary and punitive transfers shall be within the scope of arbitration.

The commencement of a new fiscal year prior to the final awards by the arbitration panel shall not be deemed to render a dispute moot, or to otherwise impair the jurisdiction or authority of the arbitration panel or its award. Any award of the arbitration panel may be retroactive to the expiration date of the last contract.

If an employer, or an employee organization willfully disobeys a lawful order of enforcement pursuant to this section, or willfully encourages or offers resistance to such order, whether by strike or otherwise, the punishment for each day that such contempt continues may be a fine for each day to be determined at the discretion of said court.

Each of the parties shall provide compensation for the arbitrator which he has selected pursuant to this section. The remaining costs of arbitration proceedings under this section shall be divided equally between the parties. Compensation for the arbitrators shall be in accordance with a schedule of payment established by the American Arbitration Association.

SECTION 2. Said chapter 1078 is hereby further amended by striking out section 8A, as amended by chapter 346 of the acts of 1982, and inserting in place thereof the following two sections:-

Section 8A. The provisions of section four B of this act shall cease to be operative on June thirtieth, nineteen hundred and eighty-eight and any arbitration proceeding pending on June thirtieth, nineteen hundred and eighty-eight shall be completed under the provisions of said section four B.

Section 8B. The provisions of section four C of this act shall cease to be operative on June thirtieth, nineteen hundred and eighty-eight and any arbitration proceeding pending on June thirtieth, nineteen hundred and eighty-eight shall be completed under the provisions of said section four C.

SECTION 3. The terms of any collective bargaining agreement in effect prior to the effective date of this act shall remain in full force and effect until the expiration date of said agreement. Any collective bargaining negotiations pending on the effective date of this act shall be completed under the provisions in effect immediately prior to the effective date of this act.

House of Representatives, December 19, 1985.

Passed to be enacted,

George Leventis, Speaker.

In Senate, December 19, 1985.

Passed to be enacted, *William M. Bulger*, President.

December 31, 1985.

Approved,

Richard R. Riordan Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT FURTHER REGULATING THE RETIREMENT SYSTEMS OF THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Paragraph (c) of subdivision (4) of section 28 of chapter 32 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following three sentences:-

Notwithstanding any provisions of this paragraph to the contrary, educational collaboratives, as authorized by the provisions of section four E of chapter forty, shall annually reimburse the state board of retirement for the employer's normal cost as determined by the actuary, of benefits earned during each year by such collaborative employees who are members of the state employees' retirement systems. The actuary shall determine such cost as a percentage of the payroll of the collaborative for such employees based upon the most recent actuarial valuation of the state retirement system. Said reimbursed amount shall be deposited in the pension reserve fund of the state employees' retirement system.

SECTION 2. Section 5D of chapter 40 of the General Laws, as so appearing, is hereby further amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

The commissioner of revenue shall establish rules, regulations and procedures requiring counties, cities, towns, and districts to recover employee pension costs from federal grant monies. Each spending agency of said counties, cities, towns and districts shall, at such time and in the manner as said commissioner shall prescribe, authorize and direct the treasurer to initiate such procedures as said commissioner shall establish to transfer to the pension reserve fund for the system of which such federally funded employee is a member, an amount equal to the employer's normal cost of retirement benefits, as determined by the actuary pursuant to chapter thirty-two, which are incurred as a result of said federal grant. Expenditures for the payment of salaries to be made from any federal grant shall not be made until the full

amount of such pension costs are recovered in accordance with such procedures as said commissioner shall establish. The commissioner of administration shall develop a schedule phasing in the full assessment of such normal costs, provided that full normal costs shall be assessed against all federal grant payrolls not later than October first, nineteen hundred and eighty-eight. If any federal granting authority refuses to allow the pension cost recovery provided for in this paragraph, the amount of any such recovery so refused, upon final adjudication of said refusal, shall be transferred from the pension reserve fund back to the spending agency.

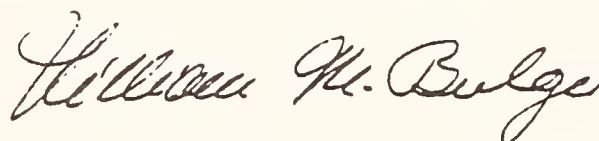
House of Representatives, December 21, 1985.

Passed to be enacted,

 Acting Speaker.

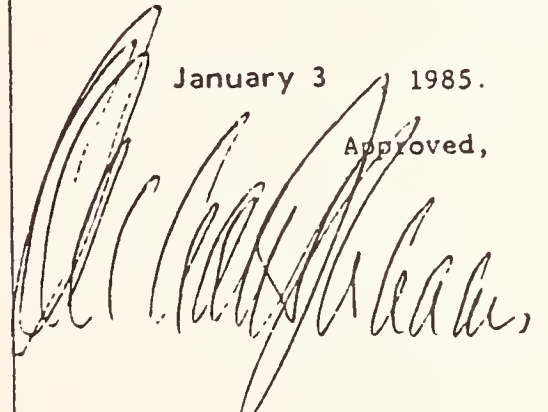
In Senate, December 23, 1985.

Passed to be enacted,

 William M. Bulge, President.

January 3 1985.

Approved,

 Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT PROVIDING FOR RETIREMENT BENEFITS TO JANET McGRAIL AND JOSEPH McGRAIL BY THE CITY OF BOSTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding the provisions of any general or special law to the contrary, the State-Boston retirement board of the city of Boston is hereby authorized and directed to pay Janet McGrail and Joseph McGrail, widow and son of Kevin B. McGrail, a deceased firefighter from the city of Boston, such benefits as provided for widows and children of deceased members of a retirement system under the provision of section twelve B of chapter thirty-two of the General Laws.


House of Representatives, December 20, 1985.

Passed to be enacted,

 , Acting Speaker.

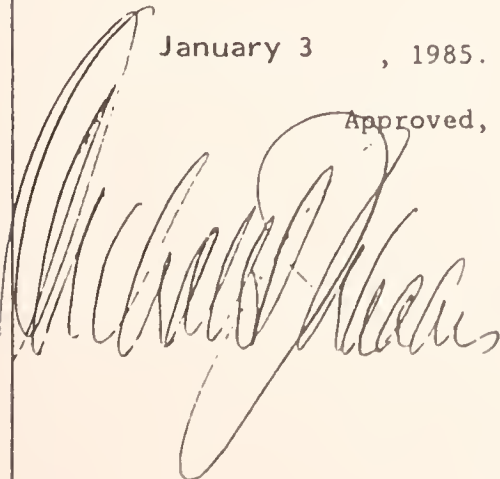
In Senate, December 20, 1985.

Passed to be enacted,

 , President.

January 3, 1985.

Approved,



Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT AUTHORIZING THE CONTINUING OF EMPLOYMENT OF SIDNEY A. CHERNICK, A COURT OFFICER IN HAMPDEN COUNTY, AND PHILIP GIBSON, A COURT OFFICER IN MIDDLESEX COUNTY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provision of section seventy-two of chapter two hundred and twenty-one of the General Laws or any other general or special law to the contrary, Sidney A. Chernick, a court officer of the Hampden county superior court is hereby authorized to continue in such position until the date of his seventy-second birthday, provided that he is mentally and physically capable of performing the duties of his office or position. Said Sidney A. Chernick shall annually, at his own expense, be examined by an impartial physician designated by the state retirement board to determine such capability. No further deductions shall be made from the regular compensation of said employee under the provisions of chapter thirty-two of the General Laws for service subsequent to the date of his seventieth birthday and upon retirement said employee shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired on said date.

SECTION 2. Notwithstanding the provision of said section seventy-two of said chapter two hundred and twenty-one or any other general or special law to the contrary, Philip Gibson, a court officer of the Middlesex county superior court is hereby authorized to continue in such position beyond the date of his seventieth birthday, provided that he is mentally and physically capable of performing the duties of his office or position. Said Philip Gibson shall annually, at his own expense, be examined by an impartial physician designated by the state retirement board to determine such capability. No further deductions shall be made from the regular compensation of said employee under the provisions of chapter thirty-two of the General Laws for service subsequent to the date of his seventieth birthday and upon retirement said employee shall

receive a superannuation retirement allowance equal to that which he would have been entitled had he retired on said date.

SECTION 3. This act shall take effect upon its passage.

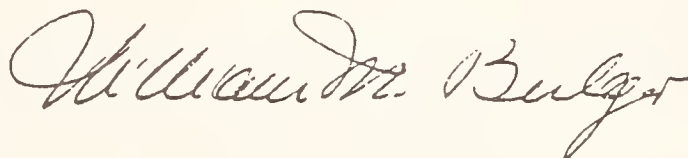
House of Representatives, December 21, 1985.

Passed to be enacted,

 Acting Speaker.

In Senate, December 23, 1985.

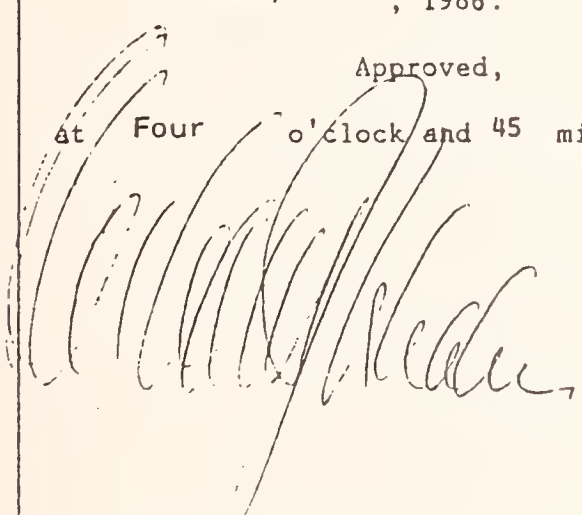
Passed to be enacted,

 President.

January 6, 1986.

Approved,

at Four o'clock and 45 minutes, P. M.

 Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT PROVIDING THAT CERTAIN PUBLIC EMPLOYEES MAY CONTINUE TO WORK BEYOND THE MANDATORY RETIREMENT AGE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Subdivision (2) of section 3 of chapter 32 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out paragraph (e) and inserting in place thereof the following paragraph:-

(e) No member and no person who was ineligible for membership because of entering or re-entering the service after attaining age sixty, except as otherwise provided for in subdivision (1) of section five or in section ninety F or in section ninety G or in section ninety-one, or in section twenty-six of chapter six hundred and seventy of the acts of nineteen hundred and forty-one, or in chapter sixteen of the acts of nineteen hundred and forty-two, shall remain in service after attaining the maximum age for his group or for the group in which he would have been classified had he become a member or after the date any retirement allowance becomes effective for him, whichever event first occurs.

SECTION 2. Said chapter 32 is hereby further amended by striking out section 90F, as so appearing, and inserting in place thereof the following section:-

Section 90F. Any member in service classified in Group 1, or any other person who would be classified in Group 1 except for the fact that he is not a member, shall continue in service, at his option, notwithstanding the fact that he has attained age seventy; provided, however, that he is mentally and physically capable of performing the duties of his office or position. Such member or other person shall annually, at his own expense, be examined by an impartial physician designated by the retirement authority to determine such capability. No deductions shall be made from the regular compensation of such member or other person under the provisions of this chapter for service after he has attained age seventy and upon retirement such member or other person

shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired at age seventy.

SECTION 3. Said chapter 32 is hereby further amended by striking out section 90G, as so appearing, and inserting in place thereof the following section:-

Section 90G. Any member in service classified in Group 1, or any other person who would be classified in Group 1 except for the fact that he is not a member, who is a veteran, shall continue in service, at his option, notwithstanding the fact that he has attained age seventy; provided, however, that he is mentally and physically capable of performing the duties of his office or position. Such member or other person shall annually, at his own expense, be examined by an impartial physician designated by the retirement authority to determine such capability. No deductions shall be made from the regular compensation of such member or other person under the provisions of this chapter for service after he has attained age seventy and upon retirement such member or other person shall, to the extent eligible, receive a veteran's pension allowance equal to that to which he would have been entitled had he retired at age seventy. Nothing in this section shall be construed to deny any veteran or his surviving spouse any benefit under any section of chapter thirty-two to which he would have been entitled had he retired at age seventy.

SECTION 4. The provisions of this act shall not be deemed to allow any person to become a member of the contributory retirement system who is not otherwise authorized to do so. The provisions of this act shall not be deemed to increase or decrease the retirement rights of any member of the contributory retirement system.

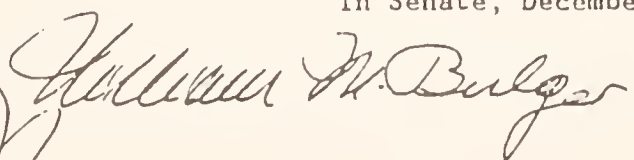
House of Representatives, December 21, 1985.

Passed to be enacted,

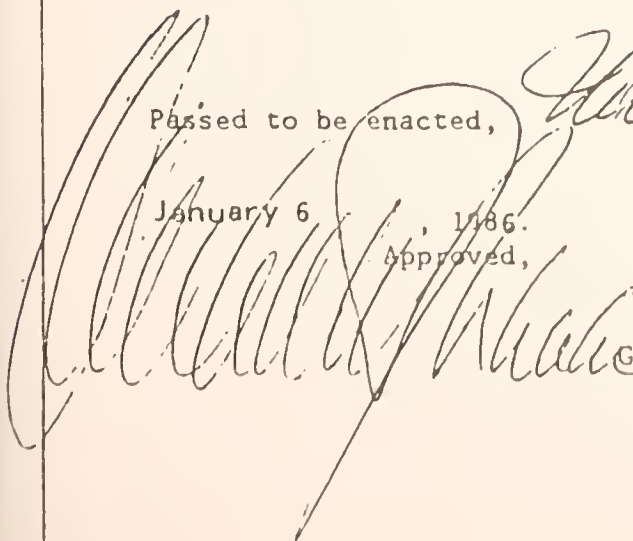
 Acting
Speaker.

In Senate, December 23, 1985.

Passed to be enacted,

 , President.

January 6, 1986.
Approved,

 Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT RELATIVE TO THE EFFECTIVE DATES OF REALLOCATIONS APPROVED BY THE PERSONNEL ADMINISTRATOR OR THE CIVIL SERVICE COMMISSION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 49 of chapter 30 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

If the personnel administrator or the civil service commission finds that the office or position of the person appealing shall warrant a different position allocation or that the class in which said position is classified shall be reallocated to a higher job group and so recommends to the budget director and the house and senate committees on ways and means in accordance with the provisions of this section, and if such permanent allocation or reallocation shall have been included in a schedule of permanent offices and positions approved by the house and senate committees on ways and means, such permanent allocation or reallocation shall be effective as of the date of appeal to the personnel administrator.

SECTION 2. Section 57 of chapter 30 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The decision of the civil service commission shall be final and binding on all agents and agencies of the commonwealth; provided, however, that any such decision may have retroactive effect pursuant to the applicable provisions of section forty-nine and also pursuant to rules made under the provisions of section fifty-three; and, provided further, that no such decision shall require any payment to be made as of any date before the beginning of the fiscal year in which such decision shall be rendered, except to the extent such payment is permitted pursuant to the provisions of said section forty-nine and subject to appropriation for the purposes thereof.

House of Representatives, December 30, 1985.

Passed to be enacted, *George J. Lenczowski*, Speaker.

In Senate, December 30, 1985.

Passed to be enacted, *William M. Bulger*, President.

January 7, 1986.

Approved,

William M. Bulger
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT RELATIVE TO THE REGISTRY OF MOTOR VEHICLES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 29 of chapter 90 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the third, fourth and fifth sentences and inserting in place thereof the following three sentences:- He may also appoint, and for cause remove, a director of field operations, a deputy registrar, chief deputy registrar, an assistant to the registrar, hearings officers, a director of law enforcement, a chief inspector, a chief supervisor of special services, supervising inspectors with power to hold hearings, supervisors of special services, and assistant supervisors of special services, and may delegate to such deputy registrar, chief deputy registrar, director of field operations, deputy, assistant, hearings officers, director of law enforcement, chief inspector, chief supervisor of special services, supervising inspectors, supervisors and assistant supervisors the performance of any duty imposed upon the registrar relative to the administration or enforcement of laws relating to motor vehicles. He may establish a section for the inspection of motor vehicles used for the transportation of property with reference to all police requirements, including equipment and weight of loads. Said director of law enforcement, chief inspector, chief supervisor of special services, deputy registrar, chief deputy registrar, supervising inspectors with power to hold hearings, supervisors of special services and assistant supervisors of special services, investigators, examiners and safety instructors shall have and exercise throughout the commonwealth all the powers of police officers and constables under any provision of law, except the power of serving and executing civil process, and may carry within the commonwealth such weapons as the registrar may determine; provided, however, that no such director of law enforcement, chief inspector, chief supervisor of special services, deputy registrar, chief deputy registrar, supervising inspectors with power to hold hearings, supervisors of special services and assistant super-

visors of special services, investigators, examiners and safety instructors shall carry any weapon nor exercise any powers of police officers or constables other than with respect to the enforcement of the laws relating to motor vehicles until such person has either satisfactorily completed a course of study lasting at least six weeks at a police training school approved by the Massachusetts police training council, as provided in section one hundred and eighteen of chapter six or an equivalent course of study as determined by the registrar.

House of Representatives, December 26, 1985.

Passed to be enacted,

George Lucreian

, Speaker.

In Senate, December 26, 1985.

Passed to be enacted,

William M. Bulger

, President.

January 7, 1986

Approved,

Richard S. Blumenthal

Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT RELATIVE TO PENSIONS TO SURVIVING SPOUSES OF FIREFIGHTERS OR POLICE OFFICERS KILLED IN THE PERFORMANCE OF DUTY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 32 of the General Laws is hereby amended by striking out section 100, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 100. Notwithstanding any provision of this chapter or any other general or special law to the contrary, if a firefighter while in the performance of his duties and as the result of an accident while responding to or returning from an alarm of fire or any emergency, or as the result of an accident involving a fire department vehicle, which the firefighter is operating or in which he is riding, or while at the scene of a fire or any emergency is killed or sustains injuries which result in his death, or if a police officer while in the performance of his duties and as the result of an assault on his person or as a result of an accident involving a police department vehicle which he is operating or in which he is riding in the performance of his duties as a police officer is killed or sustains injuries which result in his death, or if a corrections officer while in the performance of his duties and as the result of an assault on his person is killed or sustains injuries which result in his death, there shall be paid to the surviving spouse of such firefighter, police officer or corrections officer an annual amount of pension which shall be equal to the amount of salary which would have been paid to such firefighter, police officer or corrections officer had he continued in service in the position held by him at the time of his death; provided, however, that the amount of pension immediately payable shall be equal to the maximum salary set for the position whether or not such firefighter, police officer or corrections officer had reached the maximum at the time of his death. Any pension payable to a surviving spouse under this section shall be paid to the surviving spouse so long as such surviving spouse remains unmar-

ried. In the event of the death or remarriage of any surviving spouse eligible to receive a pension under this section, and in case there is any child of such deceased firefighter, police officer or corrections officer, there shall be paid to the legal guardian for the benefit of each such child the sum of three hundred and twelve dollars per annum in addition to a payment equal to seventy-two per cent of the pension which said surviving spouse was receiving at the time of such surviving spouse's death or remarriage, such payment to be made in proportionate shares to the legal guardian for the benefit of each such child until such time as all such children have attained age eighteen or have attained age twenty-one if full-time students, and such payment shall continue for the benefit of such children who are over age eighteen and physically or mentally incapacitated from earning. The words "full-time student" shall mean a child who is in full-time attendance in an accredited educational institution offering full-time courses of study equivalent to or higher than secondary school study. The words "accredited educational institution" shall mean any school, college or university that is licensed, approved or accredited, as the case may be, in the state in which it is located.

The benefits provided by this section shall be in the alternative to the benefits provided by any other section of this chapter; provided, however, that if any such deceased firefighter, police officer or corrections officer was a member of a contributory retirement system established under the provisions of section twenty, any accumulated total deductions credited to his account in the annuity savings fund of such system shall be paid in one sum in accordance with the provisions of subdivision (2) of section eleven, to his surviving beneficiary or beneficiaries entitled thereto.

The benefits payable under this section to the surviving spouse of such deceased firefighter, police officer or corrections officer shall be paid as follows:- if the decedent was a member of the state employees' retirement system, the Massachusetts Port Authority employees' retirement system or any county, city or town contributory retirement system, as the case may be, established under the provisions of sections one to twenty-eight, inclusive, or under corresponding provisions of earlier laws, and subject thereto, or any contributory retirement system established for the employees of any governmental unit under the provisions of any special law, from the same appropriation, and in the same manner, as accidental death benefits payable under the provisions of section nine; if the decedent was not a member of a contributory

retirement system, from the same appropriation, and in the same manner, as annuities to dependents payable under the provisions of section eighty-nine or section eighty-nine A.

If any firefighter, police officer or corrections officer is killed or sustains injuries resulting in his death in the manner set forth in this section, and he was so killed or sustained such injuries while assisting another governmental unit, pursuant to the provisions of subdivision (4) of section seven, the benefits provided by this section shall be paid to the surviving spouse as provided in the preceding paragraph, but the governmental unit which requested such assistance shall annually, on or before January fifteenth, reimburse the governmental unit which had employed such deceased firefighter, police officer or corrections officer in the amount of any benefits paid to his surviving spouse during the preceding calendar year.

The presumptions created by sections ninety-four and ninety-four A shall not be applicable to the death of any firefighter, police officer or corrections officer for which a pension is provided under this section.

This section shall be administered by the state board of retirement as to employees of the commonwealth or the metropolitan district commission; by the appropriate retirement board, established under section twenty, having jurisdiction in the governmental unit in which any such firefighter or police officer was employed at the time of his death; or by the Massachusetts Bay Transportation Authority police retirement board; or if such firefighter, police officer, or corrections officer was employed by a town and was not a member of any contributory retirement system, by the board of selectmen of such town.

House of Representatives, December 31, 1985.

Passed to be enacted,

George Leverian

, Speaker.

In Senate, December 31, 1985.

Passed to be enacted,

William W. Bulger

, President.

January 8, 1986.

Approved

[Signature]
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-five

AN ACT PROVIDING FOR AN INVESTIGATION BY THE TREASURER OF THE COMMONWEALTH
RELATIVE TO CERTAIN CORPORATE ACTIVITY.

*Be it enacted by the Senate and House of Representatives in General Court
assembled, and by the authority of the same, as follows:*

Notwithstanding any general or special law or regulation to the contrary, the state treasurer, acting as the treasurer/custodian of the state employees' retirement system and the teachers' retirement system, and as the chairman of the pension reserves investment management board, is hereby authorized and directed to investigate by means of a survey the extent to which corporations organized under the laws of the United States or the several states and operating in Northern Ireland, in which the assets of said retirement systems or of the pension reserves investment trust fund are invested, adhere to principals of nondiscrimination in employment and freedom of workplace opportunity. In conducting said survey, the treasurer may utilize any information presently available relative to similar pension plans. In making said determination, said treasurer shall consider, without limitation, the following standards for corporate activity:

(1) equal access to employment, promotion, and job-preservation without regard to religious affiliation or other minority status;

(2) the promotion of religious tolerance within the workplace, and the eradication of any manifestations of religious and other illegal discrimination;

(3) adherence to other legal and regulatory guidelines for nondiscrimination and equality of opportunity, existing in Northern Ireland;

(4) adherence to the McBride Principles for Northern Ireland, so-called.

Said treasurer shall set forth the results of said investigation by filing a report with the clerks of the house of representatives and of the senate not later than the first business day in January of each year. Said report shall include, but not be limited to, the names and addresses of all United States corporations operating in Northern Ireland in which the assets of said retire-

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ment systems or trust fund are invested, and the findings of said treasurer relative to these corporations' adherence to the standards for corporate activity as set forth. Said treasurer shall also report his recommendations, if any, consistent with prudent fiduciary practice, based upon the findings of said investigation. Said report shall be available for public inspection in the offices of the clerks of the house of representatives and of the senate, and in the office of the state treasurer.

The treasurer, subject to the approval of the investment committee, established under paragraph (a) of subdivision (1) of section twenty-three of chapter thirty-two of the General Laws, and said pension reserves investment management board, established under paragraph (a) of subdivision (2A) of said section twenty-three, shall, where necessary, appropriate, and consistent with prudent standards for fiduciary practice, initiate and support shareholder petitions or initiatives requiring corporate action in compliance with the standards for nondiscrimination set forth in this act.

House of Representatives, November 14, 1985.

Passed to be enacted,

George Luernian

, Speaker.

In Senate, November 14, 1985.

Passed to be enacted,

William M. Bulger

, President.

November 21, 1985.

Approved,

Robert D. White

Governor.

